AN ESSAY UPON Civil Government:

Wherein is set forth,

The NECESSITY, ORIGINE, RIGHTS, BOUNDARIES,

And Different

FORMS of SOVEREIGNTY.

WITH

OBSERVATIONS

ON THE

Ancient Government of *ROME* and *ENGLAND*.

According to the Principles of the late Archbiſhop of CAMBRAY.

Tranſlated from the French.

LONDON:

Printed for RANDAL MINSHULL, in *Ship-Yard*, near *Temple-Bar*. 1722.

BRITISH MUSEUM

AUTHORS *quoted in this Eſſay.*

S. AUGUSTINUS.
Biblia Sacra.
BRACTON.
BRADY.
CICERO.
Codex THEODOSIANUS.
COKE's *Inſtitutes.*
EUCHER, (*Bp. of* Lyons)
GROTIUS.
HERODOTUS.
JUSTIN.
MARCUS ANTONINUS.
Meaux (*Biſhop of*)
Parliament Rolls.
PHILIP *de* COMMINES.
PLATO.
PLUTARCH.
POLYBIUS.
RACINE (ATHALIE *de*)
SOCRATES.
Statutes of K. CHA. II.
TACITUS.
TELEMACHUS.
TERTULLIANUS.
THUANUS.
XENOPHON.

ERRATA.

PAge 23. line 4. add *Law*. P. 125. line 6. for *deſpite* read *diſpute*. Page 159. line 5. dele *the*. Page *ibid*. line 7. add *the*. Page 205. for *Sultilties* read *Subtilties*. Page 119. for *Peplicola* read *Poplicola*.

23 DE 62

CONTENTS.

CHAP. I. *OF the different Syſtems of Policy.* Page 9

CHAP. II. *Of the Law of Nature.* 11

CHAP. III. *Man is born a ſociable Creature.* 23

CHAP. IV. *All Men are born more or leſs unequal.* 30

CHAP. V. *Of the Neceſſity of Sovereign Authority.* 36

CHAP. VI. *Of the Source of Sovereign Authority.* 42

CHAP. VII. *Of the Origine of Civil Societies.* Page 49

CHAP. VIII. *Of a King* de Facto, *and a King* de Jure. 57

CHAP. IX. *The Hereditary Right of Lands, and that of Crowns, are founded upon the same Principle.* 62

CHAP. X. *Rebellion is never allowed.* 74

CHAP. XI. *Of the several Parts of Sovereignty, its Extent and Boundaries.* 100

CHAP. XII. *Of the different Forms of Governments.* 108

CHAP. XIII. *Of the Government of the Commonwealth of* Rome. 118

CHAP.

CONTENTS.

CHAP. XIV. *Of the Government of* England, *and the different Forms which it hath had.* Page 132

CHAP. XV. *Of Monarchy moderated by Ariſtocracy.* 171

CHAP. XVI. *Of Government purely Popular.* 195

CHAP. XVII. *Of Government where the Laws only preſide.* 203

CHAP. XVIII. *Of the Ideas which the Holy Scriptures give us concerning Government.* 211

Concluſions 207

23 DE 62

THE PREFACE.

WHEN the Hiſtories of *Empires*, *Kingdoms*, and other *States* are examined, it will be found, that all the *Revolutions* which have happened, proceed from two principal Cauſes: The Love of unbounded Authority in Princes; and that of Independency in the People. *Sovereigns* jealous of their Power, are always for ſtretching it. *Subjects* paſſionate for their Liberty, are always for augmenting it.

Theſe are the Cauſes, which have, and always will render the World as a turbulent Sea, whoſe ſtormy Billows ſucceſſively deſtroy each other. *Anarchy* produces *Deſpotiſm*, Deſpotick Power is loſt in *Anarchy*; the grand Body Politick, as the Body Natural, will always be ſubject to inevitable Maladies, and perpetual Viciſſitudes; for as the continual Revolt of the Paſſions againſt Reaſon, does not forbid, that there ſhould be a Rule of ſure Morality, which every particular Perſon ought to follow; So the Impoſſibility of preventing *Revolutions* does not forbid, that there ſhould be Rules of Policy fixed, which all *States* ought to reſpect.

It is not pretended here, to form a Plan of Government exempt from every Inconveniency, ſince all thoſe which ſubſiſt are imper-

perfect, every Government may be imperfect.

But tho' we cannot prevent all Sorts of Abuſes, we ought, however, to avoid Inconveniences as much as poſſible. *Phyſick* is a Science very uſeful; tho' *Death* is inevitable, let us endeavour to remedy the Diſeaſes of the *grand Body Politick*, without pretending to give it Immortality: let us ſtrive to eſtabliſh Maxims, which tend to make Men altogether good Citizens, good Subjects, Lovers of their Country, and their Prince, and *ſubject to Order without Slavery*.

The Deſign of this Eſſay is to unfold the Philoſophical Principles of Civil Government; and not to lay open the Political Stratagems, which Princes have made uſe of to aggrandize themſelves. This is what makes it neceſſary, to ſearch

into the Laws of Nature, and Foundations of Civil Right; and not into the Facts of Hiſtorians, nor the Cuſtoms of Nations; but in the Ideas of the Divine Perfection, and humane Weakneſs: The one is the Rule of the Law of Nature, the other the Cauſe of Civil Laws.

It is this Divine Philoſophy, which is the only ſure and immutable Foundation of all Duties. It is this Philoſophy, independent of all Revelation, which makes us regard the Supreme Being as the common Father of all humane Society; and all Men as Children, Brethren, and Members of one and the ſame Family. It is this Philoſophy, which makes us no more regard ourſelves as independent Beings, created only for ourſelves; but as a ſmall Part of the Whole, which compoſes Mankind; the publick Good in general of which is to be preferr'd

ferr'd to one's own private Intereſt, this is the Source of all noble Sentiments, and all heroick Virtues.

On the contrary, deſtroy this Divine Philoſophy, there would be no more any Principles of Union eſtabliſh'd among Men. If Intereſt, which puſhes 'em on one Side, and Fear did not hold 'em back on the other, what would hinder 'em from violating the moſt ſacred Rights of Humanity? Without a Reſpect to the Divinity, all the Ideas of Juſtice, Truth and Virtue, which render Society amiable, are of no Signification.

If Religion was falſe, it would be wiſh'd true, in order to lay the ſolid Foundations of Government; for which Reaſon the *Pagan* Legiſlators always ſupported their Laws upon the Worſhip of ſome Divinity.

The firſt *French* Edition of this Book was very imperfect; this is more ample and correct: The Method is, in ſome Manner chang'd, by ranging every Truth in its proper Place, and giving it new Strength, by this Diſpoſition.

The only Merit of the Author, is to have been brought up many Years, in the bright Sentiments of the late *Meſſire Francis de Salignac de la Mothe-Fenelon*, Arch-Biſhop of *Cambray*. He hath taken the Advantage of the Inſtructions of that Illuſtrious Prelate, to write this Eſſay.

23 DE 62

A N

AN

ESSAY

UPON

Civil Government, &c.

CHAP. I.

Of the different Syſtems of POLICY.

THOSE who have treated concerningPolicy,have endeavour'd to eſtabliſh two Sorts of Principles, quite contrary to each other.

The one attributes to Self-Love, and particular Intereſt, that which is called the Law of Nature, and all Vertues moral and political.

According to theſe Principles, we are all born independant and equal.

According to theſe Notions, Kingdoms and Commonwealths have been form'd only by the free Conſent of Men, who are ſubject to the Laws of the Society only for their particular Advantage.

According to theſe Men, in ſhort, the Depoſitaries of the Sovereign Authority are always anſwerable, in the *dernier Reſort*, to the People, who may judge, depoſe, and change them, when they violate the original Contract of their Anceſtors.

The others, on the contrary, maintain, that the love of Order, and the publick Good in general, is the Source of all the Duties of the Law of Nature; that antecedent to every free Contract, we are all born more or leſs dependant, unequal, and Members of the Society to which we belong; that the Form of Government being once eſtabliſh'd, it is not allow'd particular Perſons to trouble it, but that they ſhould ſuffer with Patience, when they cannot,

cannot, by lawful Means, hinder the Abuſes of the Sovereign Authority.

To judge of theſe different Principles, we muſt enter into a Diſcuſſion of the moſt ſubtil and delicate Queſtions in Policy. Let us in the firſt Place begin to examine into the Law of Nature, and the Duties to which it obliges us, for from thence depend the Solution of all the Difficulties in this matter.

CHAP. II.

Of the Law of Nature.

THE Law in general is nothing elſe than the Rule which every Being ought to follow, in order to act according to his Nature. It is thus, that in Phyſicks, we underſtand by the Laws of Motion, the Rules by which every Body is neceſſarily carried from one Place to another. So in Morals, the Law of Nature ſignifies the Rule which every intelligent Being ought freely to follow, in order to be reaſonable. The

The moſt perfect Rule for Finite Beings, is without doubt, that of the Infinite Being; God loves himſelf ſovereignly and abſolutely, becauſe he is ſovereignly and abſolutely Perfect; he loves all his Creatures unequally, according as they participate more or leſs of his Perfections.

This Rule of the Divine Being, is alſo the natural and univerſal Law of all intelligent Beings; for God cannot give to his Creatures a Will contrary to his own, for to tend where his does not tend. *(a) His Will is Eternal.* God hath not made it, it is as ancient as the *Divinity*. It is a Law to himſelf, and from which he cannot diſpence his Creatures, without contradicting himſelf. *His Will is Immutable.* God does not act here as a Legiſlator, who by his abſolute Dominion over Men, makes 'em ſubject to certain arbitrary Laws, and obliges 'em to obſerve 'em, by Rewards

(a) *I don't ſpeak here of the Motive of Love, which may be Pleaſure, or the agreeable Senſation, which the Object beloved excites in us. I only ſpeak of the Rule of Love, which ought to be the Perfection of Objects.*

wards and Punishments: As this Law immediately results from the immutable Relations which there is between the different Essences, it can never change. Whereas positive and arbitrary Laws being founded only upon different, variable Circumstances, as Creatures find themselves, they may be changed according as Circumstances vary; for which Reason SOCRATES always distinguishes two sorts of Laws, (b) *The Law which is in being*; the other, (c) *The Law which was.*

To love every thing, therefore according to the Dignity of its Nature, is the universal, eternal, and immutable Law of all intelligent Beings; and it is from this Law, which all others flow, and all Vertues, divine or humane, civil or moral: Let us search into the Extent thereof, and the necessary Consequences arising therefrom.

1. We are to reverence the supream Being, and to love him with a sovereign Love, worthy only of his most excellent Nature. Religion is the Foundation of all good Policy, the Difference

(b) Ὁ ὤν. (c) Τὸ γινόμενον.

rence in Ceremonies and outward Worſhip, by which we expreſs our inward Adoration, may be arbitrary, and vary according to the different Genius of the People: Every Man would be born in perfect Liberty therein, if GOD had not taken away this natural Liberty, by an expreſs Revelation. But the Love and Reſpect of the Divinity, is an eſſential Part of the Law of Nature, and a Duty founded upon the immutable Reſemblances that there are between Finite and Infinite, even independantly from all Revelation.

2. We muſt reſpect and bear a Good-will to all the particular Species of Beings produc'd by this Supreme Being, to every one according to the Dignity of its Nature: from hence comes Reſpect for inviſible Beings ſuperior to us, and Compaſſion for Beaſts, which are beneath us.

3. We muſt love and reſpect that particular Species of Beings, of which our ſelves are part, and with which we have an immediate Reſemblance; from hence comes the Philanthropy, and all other moral Vertues which render Men ami-

amiable, and every Clime, the common Country of Mankind.

4. We muſt love and reſpect that particular Species of Men with whom we live, and in whoſe Society Nature hath placed us.

5. We muſt love and reſpect thoſe who have been the Inſtruments of our Exiſtence, and with whom we have Alliance by Birth and Parentage; this is the Family Love, and Paternal Reſpect, which the *Romans* called *Pietas Parentum*.

6. We muſt love our ſelves, as being a ſmall part of the grand Whole, which compoſes the Univerſe. Self-Love, well and rightly regulated, ought to hold only the laſt Place. It would be monſtrous to prefer one's ſelf to all our Faly, our Family to all our Country, our Country to all Mankind: For rational Love always governing it ſelf according to the degree of Perfection and Excellence of every Object, begins with univerſal Things, and deſcends gradually to Particulars. On the contrary, the Care which is requiſite, for every one, to perform the Duties of this eternal

nal Law, ought to begin with Particulars, and aſcend to Generals: the Reaſon is, the Capacity of Love being infinite, Men ſhould never bind it to any Particular; for his underſtanding Capacity being very narrow, he cannot equally apply himſelf to the Wants of all Mankind: they overthrow this fine Order, by confounding always two Things entirely different and diſtinct. The Care which every particular Being ought to have of his Perfection and Preſervation, and this love of Eſteem and Preference, which he muſt always regulate according to the Perfection of Objects. Self-Preſervation is the firſt of all Cares, becauſe we cannot think upon every thing, and becauſe we are more immediately charg'd with our ſelves, than all the reſt of Mankind: Self-Love is the laſt of all Loves, becauſe our limited Being is but a ſmall Part of this grand Univerſe, with which we make a Whole; and we muſt not bring down the Totality of Perfection to a Part, but the Part to the Whole. We ought more immedaitely to think upon our own Self-

Preſerva-

Preſervation, than that of another Man's: We owe more to our own Family, than to any ſtrange one: We owe more to our own Country, wherein we were born, educated, and protected during our Infancy, than to any other particular Society of Men which we never ſaw: We owe more to any Particular, with whom we are more immediately charg'd by Nature or Providence, than to any other Particular which we have no Relation to; but whenever any particular or private Intereſt ſtands in Competition with the publick Good, the latter is always to be preferr'd to the former. It is not allow'd to preſerve our ſelves, by ruining our Family; nor aggrandize our Family, by ruining our Country nor ſeek the Glory of our Country, by violating the Rights of Humanity: It is upon this Principle which the *Law* of *Nature* and *Nations* is founded. As the Subjects of every State ought to be ſubject to the Laws of their Country, tho' theſe Laws may ſometimes be contrary to their private Intereſt; ſo every ſeparate Nation

Nation ſhould reſpect the Laws of the common Country, which are thoſe of *Nature* and *Nations*, in prejudice of its own Intereſt and Aggrandizement: without this there would be no difference between Wars juſt and unjuſt; the moſt ambitious Conquerors would uſurp the Dominion of their Neighbours, and thoſe Powers which have the greateſt Strength, would pretend to have a Right in doing that which they often do, contrary to all Law and Juſtice: What Difference there is between theſe Ideas and thoſe which teach us, That the Univerſe is but one and the ſame Commonwealth, govern'd by one common Father; that the Kings of the Earth are ſubject to the ſame general Law as the private Perſons of every State; and that this eternal, immutable, and univerſal Law, is always to prefer the general Good to any Particular!

Libertines and Lovers of Independency will ſay, that it is not reaſonable to introduce Maxims of Religion into Policy. But I do not ſpeak of revealed Religion; I only admit thoſe Prin-

Principles which are drawn from the Light of Nature: I only ſay what all the great Legiſlators and Philoſophers, both *Greeks* and *Romans*, have ſaid before me; *viz.* That it is impoſſible to fix the true Principles of Policy, without thoſe of Religion. (*a*) "There "have been Philoſophers, (ſays CICERO) who have deny'd, that the "Gods concern'd themſelves in humane Affairs. If this Opinion is "true, what ſignifies Piety, Sanctity, "or Religion? For when theſe are "deſtroy'd, every thing falls into "Confuſion and Trouble: for in deſtroying the Worſhip of the Divinity, we deſtroy all Faith among "Men, all Society, and all Juſtice, "the moſt admirable of all Virtues."

It

(*a*) *De Natura Deorum, Lib.* 1. Sunt enim Philoſophi, & fuerunt qui omnino nullam habere cenſerent humanarum rerum procurationem Deos. Quorum ſi vera ſententia eſt, quæ poteſt eſſe pietas? Quæ Sanctitas? quæ Religio? --- quibus ſublatis perturbatio vitæ ſequitur, & magna Confuſio, atque quidem haud ſcio an pietate adverſus Deos ſublata, fides etiam & ſocietas humani generis, & una excellentiſſima virtus Juſtitia tollatur.

It will be objected, perhaps, that all which hath been ſaid concerning the Law natural, immutable, and common to all intelligent Beings, are Romantick and Chimerical Ideas; that nothing is more contradictory than the Sentiments, and Cuſtoms of different Legiſlators, and different People concerning the Law of Nature; that PLATO would have eſtabliſhed a Community of Wives; that LYCURGUS ſeemed to approve Proſtitution; that SOLON allow'd the *Athenians* to ſlay their own Children; that the *Perſians* eſpouſed their Mothers and Daughters; the *Scythians* eat humane Fleſh; the *Getulians* and the *Bactrians* were ſo polite, as to allow their Wives to have Commerce with Strangers: So that there was no fixed and immutable Law in which all the World agreed. On the contrary, in every Country and State, that which one thinks juſt, another thinks unjuſt. But is this Reaſoning, to ſpeak thus? All Men are not reaſonable, therefore Reaſon is only a Chimera: All Men do not perceive, through want of Attention and

and Knowledge, the Reſemblances and Properties of Lines; therefore, there muſt be no Geometrical Demonſtration. Man, indeed, is not always attentive to this Law of Nature; he does not follow it, when he diſcovers it; for Diſobedience and want of Attention, does not deſtroy the Force and Juſtice of this Law. It is not founded upon the Conſent of Nations, or free Concurrence of Legiſlators, but upon the immutable Conformity of our Being, to every thing about us. Let us examine what Men would do, if they were reaſonable, and not what they do when they follow their Paſſions.

Beſides, the greateſt Part of theſe Abuſes, are only the falſe Conſequences which the *Pagans* drew from this Law which we have been eſtabliſhing. PLATO and LYCURGUS did not pretend to favour ſhameful and brutiſh Paſſions, but they allow'd the free Mixture of both Sexes, at a certain Time of the Year, with Modeſty, to the end that their Children ſhould know no other Family than their Coun-

Country; nor other Fathers, than the Preſervers of their Laws. A Maxim, contrary to the Sanctity of our Marriages; a Maxim, however founded upon what theſe Legiſlators thought the Love of their Country. They deceived themſelves, without doubt, in the Conſequences; but in deceiving themſelves, they aimed at this eternal and immutable Law, which every one ought to follow. (*a*) CICERO aſſures us, that it was the Opinion of PLATO and his Followers, the *Stoicks*, and all the

(*a*) CIC. *Lib.* 1. & 2. *de Leg.* & 4. *de fin.* Hanc igitur video ſapientiſſimorum fuiſſe ſententiam, legem neque hominum ingeniis excogitatam, ſed æternum quiddam, quod univerſum Mundum regeret imperandi prohibendique ſapientia. Ita principem legem illam & ultimam mentem eſſe dicebant. Omnia ratione aut cogentis, aut vetantis Dei. Ex qua illa lex quam Dii humano generi dederunt rectè eſt laudata -- quæ vis (ſive lex) non modo ſenior eſt quam ætas populorum & civitatum, ſed æqualis, illius cœlum atque terras tuentis & regentis Dei ---- quæ non tum deniq; incipit lex eſſe cum ſcripta eſt, ſed tum cum orta eſt, orta autem ſimul eſt cum mente divina. Quamobrem lex vera atque princeps apta ad jubendum & vetandum ratio eſt recta ſummi Jovis.

the Antient Sages, *That the Law was not an Invention of humane Wit, nor a Rule eſtabliſh'd by different People; but ſomething eternal: That this hath not only preceded the Origine of People and Societies, but that it is as antient even as the Divinity: That it did not begin to be a Law when it was wrote, but that it was ſo from its firſt Origine; that its Origine is the ſame as the Divine Spirit, becauſe the true and ſovereign Law is no other than the ſupreme Reaſon of Great* Jupiter.

CHAP. III.

Man is born a ſociable Creature.

I Don't underſtand here, by being ſociable, to live together, and ſee one another at certain Times and Places; the wild Beaſts of the Foreſt do ſo: we may ſee each other daily, without being in Commerce of Society; and live ſeparately from all Men, without being ſociable. By Society, I underſtand, *a mutual Commerce or Friendſhip*; for all rational Beings are obli-

obliged by the immutable Law of their Nature to live thus together. *Thoſe who have one and the ſame common Law, ought to be regarded,* ſays CICERO (*a*) *as Citizens of one and the ſame City. The Univerſe* (continues he) *is one great Commonwealth, of which the inferiour Gods and Men are Citizens, and the Grand Omnipotent Being the Prince and Common Father of all. If Reaſon is common to all, the Law is alſo common.* (ſays the Emperor *Marcus Antoninus.*) (*b*) *The Law being common we are Fellow-Citizens; we therefore live under one and the ſame Government, and the whole World is conſequently but as one City.*

The Idea is bright and ſhining, and ſhews us, which is the firſt Principle among Men: All intelligent Beings, who know themſelves, are oblig'd to live

(*a*) CIC. 1 *Lib. de Leg.* Inter quos eſt communio legis Civitatis ejuſdem habendi ſunt: unde univerſus hic Mundus una Civitas communis Deorum atque hominum exiſtimanda eſt.

(*b*) Lib. 4. §. 4. Λόγ☉ κοινός. Εἰ τοῦτο καὶ ὁ νομ☉ κοινός. Εἰ τοῦτο πολῖται ἐσμέν. Εἰ τοῦτο πολιτεύματός τιν☉ μετέχομεν. Εἰ τοῦτο ὁ Κόσμ☉ ὡσάκι πόλις ἐστί.

live together in a mutual Commerce of Friendſhip, becauſe of their eſſential Reſemblance to the common Father of Spirits, and their mutual Union, as Members of one and the ſame Commonwealth, which is govern'd by one and the ſame Law. It is thus that we conceive there may be a Society of Love and Amity among pure Spirits, whoſe common Happineſs may be increaſed, by the Joy and noble Pleaſure, which each other have in beholding one another happy and content. It is thus, that the inferiour Gods (ſpeaking as the Heathens) or rather Divine Men, freed from corporeal Bonds, may be able, and without our Perception, have a Society with mortal Men, by giving them inviſible Succours.

From hence comes the Idea which the *Pagans* had of the Commerce, which they ſuppoſed to be between the Divinity and Men, and all the Fictions of the Gods, Demi-Gods, Goddeſſes, Nayades, *&c.* which protected Men, and converſed with 'em in heroick and fabulous Times: It is thus,

that every Man, as he is a rational Being, independent of his Body and its Neceſſities, ought to regard himſelf as a Member of humane Society, a Citizen of the Univerſe, and a Part of the great Whole, the general Good of which he ought to ſeek before his own private Intereſt.

But, beſides this firſt Principle of Union and Society, which is without doubt, the moſt noble, there are two others which deſerve our Conſideration; *viz.* corporeal Indigency, and the Order of Generation.

The Indigence of Man is greater than that of brute Beaſts: he is born weak, and incapable of helping himſelf, or asking the ſame from others; all other Creatures, in the Space of ſome Weeks, are capable of helping themſelves with Neceſſaries for their Preſervation; but Man, on the contrary, languiſhes ſome Years in a State of Infancy and Diſeaſes; he lives but by halves; he is not able, of himſelf, to ſecure himſelf againſt the Injuries of the Air, the Violence of Beaſts, and the Paſſions of other Men.

The

The Author of Nature hath made Man thus indigent, in order to form Mankind into a neceſſary and uſeful Society; he might have created every one of us with ſufficient Happineſs and Perfection, to live ſingly and ſeparately from all other Men; but he would not do ſo, becauſe he would give us Opportunity to imitate his communicative Goodneſs, by mutually contributing to each other's Happineſs, by the Duties of reciprocal Friendſhip.

The Sovereign Being hath bound Men together, not only by Indigency, but the mutual Want which they have one for another, and alſo by the Order of their Birth: He might have created all Mankind at once, in one and the ſame Sex, and without depending one upon another; but he was not willing to do ſo, becauſe the Obligations of Birth and Parentage ſhould ſtand in the ſame Place with thoſe of Love and Charity; and that the one ſhould contribute to form and ſtrengthen the other. But I don't ſpeak, as yet, of Paternal Power, nor of the Order of Generation, as the Source of Authority,

but only as it is a Spring of Union and Society. By this admirable Order of Propagation, Fathers look upon their Children, as Part of themſelves; and Children regard their Fathers, as Authors of their Exiſtence; and thus they are diſpos'd to render each other the Duties of Tenderneſs and Gratitude, of Love and Reſpect.

Beſides this Bond of Union, which God hath form'd among Men, by the Order of Generation, there is ſtill one more, which reſults therefrom, and that is the Love of our Country: Men are not born ſo free as to ſubject themſelves to what Society they pleaſe, or to form new ones, according to their Caprice. Thoſe to whom we owe our Birth, Preſervation and Education, require from us a Right, which obliges us to acknowledge, reſpect, and love them. *Our Country is nothing elſe but the Re-union of every Father of a Family* into one and the ſame Society. The Love of this Country is no Chimera, invented by thoſe who have a Deſire of governing; it is founded upon Paternal Reſpect, and abſolutely neceſſary for

for the Good of Society: For, if every one was allow'd to abandon his Country, as a Traveller who paſſes from City to City for his own Pleaſure or Advantage, there would be no more any fixed and conſtant Society upon Earth.

All Men, originally, were Members of one and the ſame Family; they all ſpoke the ſame Language, and they all ſhould have but one and the ſame Law: but having loſt this Principle of Union, which had rendred them all equally Citizens of the Univerſe; it was, therefore, no further neceſſary that the World ſhould be common to all. But for the preventing Men from being Vagrants and Vagabonds upon Earth, without any Order, Union or Rule, it was neceſſary to fix, and bind them to particular Societies, by different Languages, Laws and Climates.

Men are born ſociable, by the common and immutable Law of their Nature, by corporeal Indigency, and by the Order of Generation.

Far from hence be all thoſe monſtrous Ideas, which teach us, that Man

is naturally and originally obliged to be ſociable, only for Fear of being oppreſs'd; that if he was ſure of ſuffering nothing, he would live free and independent from all others; that Societies only form themſelves by arbitrary Contracts, as Companies of Merchants, who freely aſſociate themſelves for the Sake of Commerce, and retire therefrom when they do not find it for their Advantage. It is true, that Fear, Avarice, Ambition, and other Paſſions, render Government and Subordination neceſſary; but to be ſociable, is an eſſential Character of Humanity.

CHAP. IV.

All Men are born, more or leſs unequal.

THO' Men may be all of the ſame Species, capable of the ſame Happineſs, and equally Images of the Divinity, yet they very much deceive themſelves, who believe this Equality

of Nature incompatible with true Subordination. It is certain, that Men much differ from one another, according to their perſonal Qualities; their Being is of the ſame Species, but their Manners are infinitely different, and theſe Differences are the Foundations of a Superiority antecedent to every Contract, and may be reduced to two general Heads, *viz.* the natural Superiority which there is in the Order of Minds; and the neceſſary Dependance which there is in the Order of corporeal Generation.

Wiſdom, Virtue, and Courage, have a natural Right to Preference.

By Natural Right, I mean, a Power founded upon the Law of Nature; according to the Law of Nature, no Man ought to rule over another; all Men ought to ſubmit themſelves to Reaſon; it is ſhe alone who hath a Right to command; and thoſe who are capable of diſcovering that which is moſt reaſonable, are the moſt wiſe; thoſe who are able to follow her, in oppoſition to their Paſſions, are the moſt virtuous; and thoſe who are capable of executing

Reaſon to others, by the Impreſſions of Reſpect and Fear, are the moſt couragious, and have, without doubt, more Right to be choſen to command, than ignorant, wicked, and feeble Perſons.

It is thus that ſome certain Men, by the Superiority of their Mind, Wiſdom, Virtue and Valour, are born fit to govern, whilſt there are a vaſt Number of others, who have not the like Talents to obey. The Order of Providence required that there ſhould be a Government, and, conſequently, Subordination: it muſt needs be, that the Order of Nature contrived it thus, and that there ſhould be different natural Talents to ſupport this Subordination.

But beſides this Superiority, which proceeds from perſonal Qualities, there is another which comes from the natural Order of Generation.

The Lovers of Independency endeavour to abuſe Paternal Reſpect, by many frivolous Arguments. *We owe nothing* (ſay they) *to our Fathers, for having been the Inſtruments of our Birth; the Intention of our Fathers in begetting us*

was

was more to procure Pleaſure to himſelf, than to give us our Beings.

The Deſign of the Benefactor, whether more or leſs diſintereſted, does not deſtroy the Benefit. Whatever may be the Intention of our Parents in begetting us, it is certain that our Bodies are Part of their Subſtance; they are the Inſtruments of our Exiſtence, and conſequently, we ought always to regard them, as the firſt Cauſes of all the Happineſs which may befall us. We often owe very little to the Creature, who is only the Inſtrument, and ſimple Occaſion of the good Things which flow from the Author of all Goodneſs, but we owe every thing to his Order; for his Deſign in eſtabliſhing this Order of Generation was only to unite Men, and oblige them to render each other the mutual Duties of Tenderneſs and Acknowledgment, of Love and Submiſſion.

Paternal Power is further founded upon the Obligations which we have to our Parents, for the Protection of our Bodies, and the Education of our Minds: by the one, they give us thoſe

neceſſary Succours in the extream Weakneſs of our Infancy; by the other, they render us capable of knowing our different Duties, when we are arrived to Years of Diſcretion: According to divine and humane Order, Providence, and Policy, Fathers are anſwerable to GOD and Man for what they make their Children do before they come to Years of Diſcretion. Every Father of a Family, antecedently to every Contract, hath therefore a Right to govern his Children; and they are obliged in Gratitude to reſpect him, even after they come to Years of Reaſon, as the Author of their Birth, and Cauſe of their Education.

A State of Equality and Independency, wherein all Men would have an equal Right to judge and command, would therefore be contrary to the Order of Generation, and abſolutely inconceivable, unleſs we conceive, with the Poets, that Men ſpawn as Frogs, or that they depart the World like the Companions of CADMUS, all at once, with all the Strength and Proportion of perfect Age; this State would be

alſo contrary to Reaſon, becauſe the moſt ignorant Perſons, and incapable of judging, would pretend to have as much Right in commanding and determining, as the moſt able Judges, and brighteſt Capacities.

This perfect Equality is abſolutely incompatible with blind humane Nature, who is ſeduc'd by Paſſions. Men who love Power and Authority will never continue upon the Level with others, when he has Power to raiſe himſelf above them; Self-Love makes Men idolize themſelves, and tyrannize over others when they can do it with Impunity; the greateſt Partizans of this imaginary Equality have always been the moſt deſpotick Maſters, when they have had Power in their Hands: That amiable Equality where Reaſon alone preſides, cannot ſubſiſt among deceitful Men; ſuperficial and ſhallow Capacities may dazzle themſelves with the bright Ideas thereof, but profound Knowledge and Underſtanding will ſet us right.

CHAP. V.

Of the Neceſſity of Sovereign Authority.

IF Men would follow the Law of Nature, they would do that for the Love of Virtue which they do for Fear and Intereſt; they would have no occaſion for poſitive Laws, nor exemplary Puniſhments: Reaſon would be the common Law; Men would live in Simplicity without Pride, in mutual Commerce without Propriety, and in Equality without Jealouſy: They would know no other Superiority but that of Virtue, nor no other Ambition but that of being generous and diſintereſted: This is without doubt the Idea of this State ſo conformable to reaſonable Nature, which gave Occaſion to all the Poetical Fictions of the Golden Age, and firſt State of Man.

Sacred and Profane Annals convince us, that Men did not long follow this Natural Law; and our own Experience will

will inform us why it is not follow'd at preſent.

Immoderate Self-Love hath rendred Men capable of two Paſſions, unknown even to brute Beaſts, *viz.* Avarice and Ambition: an unſatiable Deſire of appropriating to themſelves what they do not ſtand in need of, and attributing to themſelves a Superiority which Nature hath not given.

In beholding humane Nature, thus blind and weak by the Paſſions, we can ſee nothing in Men but a ſavage Liberty, where every one would pretend and conteſt every thing, where Reaſon ſignifies nothing, becauſe every one calls Reaſon the Paſſion which animates him; where there is neither Property, Dominion, nor Right, unleſs in him which is the ſtrongeſt; which may come to every one in their Turns.

Government is therefore abſolutely neceſſary for regulating the Properties of Goods and Eſtates, and the Ranks or Degrees which every one ſhould hold in Society; to the end that every thing ſhould not become a Prey, and every one a Slave to the Strongeſt.

Order

Order requires, that the ignorant and fooliſh Multitude ſhould not have the Liberty of judging by themſelves, and doing every thing which they thought *a propos*: It is abſolutely neceſſary (unleſs Men would live in diſmal Anarchy, where the ſtrongeſt do what they pleaſe) that there ſhould be a Supream Power, to whoſe Deciſions every Perſon ſhould ſubmit.

It is therefore neceſſary, that every Government ſhould be abſolute. I do not underſtand here by *Abſolute*, an Arbitrary Power of doing every thing as a Perſon pleaſes, without any other Rule or Reaſon than the Deſpotick Will of one or more Perſons. God forbid! that I ſhould attribute ſuch a Power to the Creature, which the Sovereign Being hath not; his abſolute Dominion is not founded upon a blind Will; his Sovereign Will is always regulated by the immutable Law of his Wiſdom. Let us then reject, with a Celebrated Poet (*a*) of our Times, theſe

(*a*) Athalie *de* Racine.

theſe monſtrous Ideas of Arbitrary Power, which teach, *That Kings have no other Bridle than their own Will; that they ought to ſacrifice every thing to their Supream Grandeur; that the People are ordained to Labour and Sorrow; and are to be governed by a Sceptre of Iron.*

By *Abſolute Power* I mean no other than a Power of judging in the *dernier Reſſort.* In every Government it is neceſſary that there ſhould be ſuch a Supream Power: for ſince we cannot multiply Powers to Infinity, we muſt abſolutely fix upon ſome Degree of Authority ſuperiour to all others, the Abuſe of which ought to be reſerved to the Knowledge and Vengeance of GOD alone.

For whatſoever the Form of Government may be, whether Monarchy, Ariſtocracy, Democracy, or Mixed; it is always neceſſary that we ſhould ſubmit to a Sovereign Deciſion; for it implies a Contradiction to ſay, there ſhould be ſome one above that which holds the higheſt Station.

The abſolute Neceſſity that there ſhould be among Men Superiority and Sub-

Subordination, is a convincing Proof, that Government in general is not an Eſtabliſhment ſo freely to be diſpenſed with; nothing would be more pernicious in Practice than this Principle: In every free Contract, the Contractors are always in the right of breaking it, when one Side fails in the Conditions ſtipulated: So according to this Argument, every particular Perſon becomes free and independent from the Sovereign Authority when it acts unjuſtly. Government therefore is no more ſafe; it is not Royalty alone which is in danger, the moſt venerable Senates, and Commonwealths, tho' moſt wiſely eſtabliſhed, are always expoſed to the moſt frightful Anarchy.

Forms of Government may be indifferent, and more or leſs perfect; but Independency and Anarchy are abſolutely inconſiſtent with the Wants of humane Nature, and quite contrary to the Nature of Society: it is therefore neceſſary for the preſerving of Order and Peace, that Men ſhould be ſubject to ſome Supream Power.

By

By this Union of the Body Politick, under one or more Sovereigns, every particular Perſon acquires as much Strength as all the Society in common: For, if there were Ten Millions of Men in a Commonwealth, and every one ſhould reſiſt each other, what Confuſions would enſue? But by their Dependance upon a Supream Power, it would keep 'em all in order, and prevent them from hurting each other. This Multiplication of Strength in the grand Body Politick, reſembles that of every Member of the humane Body: Separate them and they have no Vigour, but by their mutual Union the common Strength increaſes, and all together they make a ſtrong and vigorous Body.

Subordination and Government being neceſſary, let us ſee what is the Source of Sovereign Authority.

CHAP.

CHAP. VI.

Of the Source of Sovereign Authority.

BY the Supream Authority is underſtood, *a Power of making Laws, and puniſhing the Violaters thereof, even with Death.*

The Sovereign Reaſon alone hath the original Right of ſetting Boundaries to the Liberty of the Creature by Laws. The All-powerful Creator, who gives Life, hath only the Right of taking it away. It is GOD only whoſe Dominion over his Creature is abſolute; who fully and eſſentially enjoys the Right of ruling them, and puniſhing their Diſobedience: There is, therefore, but one primitive Source of all Authority, which is the *natural Dependency* which we have from GOD, who is the Sovereign Wiſdom and Author of our Being.

The abſolute Neceſſity, that there ſhould be ſome Supream Authority upon

upon Earth, to make Laws, and puniſh the Violaters thereof, is as convincing a Proof, that GOD who eſſentially loves Order, would have his Authority committed to ſome Sovereign Judges, as if he had declared the ſame to all Mankind by expreſs Revelation.

The Right then which one or more Perſons have of governing preferably to others, comes only from the expreſs Order of Providence. As in Phyſicks, or Natural Philoſophy, there is one ſecret and univerſal Action of the firſt Motion, which is the only Source of all the Force, Order, and Movements, which we ſee in Nature; ſo in the Government of the World is one Sovereign and ſecret Providence, who diſpoſes every thing according to his eternal Deſigns. Every Moment of our Exiſtence is bound up with one Eternity of future Ages; and the Things which we do every Moment have a Conformity to what may happen at all other Times: The internal Liberty of the Creature continues perfect, abſolute, and independent of all Pre-determination, Foreknowledge, or Order, which conſtrains

or

or deſtroys it: But the outward State, Rank and Circumſtances which every one of us is in, are regulated by Weights and Meaſures. All the different Events which appear to blind Men as the Effects of Chance, are ſo link'd together, that they contribute to accompliſh the Deſigns of the Sovereign Being, who conducts every thing to its proper End; that which even often appears the moſt unworthy of our Attention, becomes the Spring of the greateſt Changes; the leaſt Motion of an Atom may cauſe innumerable Revolutions in the World! A ſmall venomous Inſect flying in the Air ſtings the Hand of a young Prince, it is inflam'd, the Inflammation increaſes, the Royal Infant dyes, there ariſes Diſputes about the Succeſſion, all *Europe* is intereſted therein, Wars every-where commence, Empires are overthrown, and the *Primum Mobile* of all theſe Revolutions was only the Action of an inviſible Animal. It is not therefore by Chance that ſome of us are born poor, and others rich; ſome great, and others ſmall; ſome Kings, and others Subjects: This unequal Diviſion

viſion of the Goods and Honours of the World proceeds from an infinite Wiſdom, who knows what is convenient to every one of his Creatures.

From hence great Perſons have Opportunity of imitating the Divine Bounty, by protecting the Small; and mean Perſons of acknowledging their Gratitude, in returning Services to the Great; and by this mutual Commerce of good Offices they would maintain the Union and Order of Society, the Diſtinction of Ranks and Qualities, which of themſelves are of no Value, ſhould prevent great Men from deſpiſing their Inferiours, and engage mean Perſons to reſpect their Superiours; becauſe *Order* requires, that there ſhould be a Subordination among Men. This Inequality of Ranks and Qualities which often revolt, when we look upon Perſons as only cloath'd therewith, become however juſt; when we conſider them as the Conſequences of Order, eſtabliſhed for preſerving the Peace of Society.

To violate the Rights of Subordination, is a Crime of High-Treaſon againſt Heaven; to overthrow the Superi-

periority of Ranks, to reduce Men to an imaginary Equality; to envy the Fortune and Dignity of others, and to be diſcontent with the Meanneſs of our own Condition, is to blaſpheme againſt Providence, and to attack the Rights of the Sovereign Father of the Univerſe, who gives to all his Creatures Places convenient for 'em. And this is the ſure and immutable Foundation of all lawful Authority.

Nothing, conſequently, is more falſe than this Idea of the Lovers of Independency, that all Authority reſides originally in the People, and that it comes from the Ceſſion which every Perſon makes to one, or more Magiſtrates, of his inherent Right of governing himſelf.

This Idea is founded only upon the falſe Suppoſition of every Man being born for himſelf, out of all Society, the only Object of his own Cares, and a Rule to himſelf; that he is abſolutely born his own Maſter, and free to govern himſelf as he will. We have already ſhewn, that Man, antecedently to every free Contract, to every Form of

of Government, and to every Agreement expreſs or tacite, is born a Member of Society, the publick Good of which he ought to prefer to his own private Intereſt, and conſequently, that he is not born his own Maſter, neither is he a Law to himſelf.

It is true, that free Conſent, or Force, expreſs or tacit, of a free People, to the Government of one or more Kingdoms, may probably be a Canal thro' which the Supream Authority glides along, but it is not the Source or Spring thereof.

This Conſent is nothing but a ſimple Declaration of the Will of GOD, which manifeſts thereby, to whom he would have his Authority intruſted. It is he alone who ſovereignly preſides over humane Councils, who rules them as he pleaſes, and who gives Governors to Nations, as Inſtruments of his Juſtice and Mercy.

But though Providence diſpoſes of Crowns at Pleaſure, yet it does not approve every thing which it permits. There are certain general Laws, which make it appear, that GOD not only permits

permits things, but alſo that they are by his Order; theſe general Laws are the Foundations of the Civil Law, and are eſtabliſhed for the conſtant Rules of our Duties, and certain Signs of that which is right and that which is wrong.

But in Policy, theſe general Laws are all conſiſtent Eſtabliſhments with the Order and Union of Society, which being by their Nature fixed and palpable, prevent the Deſtruction of Subordination, and alſo, that the ſupreme Authority, ſo neceſſary among Men, ſhould not become a Prey to the Ambition of thoſe who would aſpire thereto.

Let us ſee what are the Means of fixing the Supreme Authority, and aſcend even to the Origine of Nations, and firſt Inſtitution of Civil Societies.

CHAP.

CHAP. VII.

Of the Origine of Civil Societies.

I Shall not here propoſe the divine Authority of the *Bible*; I ſhall only ſpeak of its Antiquity, which cannot be queſtion'd, without producing ſome other Hiſtory more authentick. MOSES, the moſt ancient of all Legiſlators and Hiſtorians, aſſures us, That all Men deſcended from two Perſons conjugally united, and that after the Deluge, there only remained the Family of NOAH; which being divided into three Branches, and afterwards ſubdivided into innumerable Nations; their Children multiplying themſelves into many Families, ſpread themſelves over the Face of the Earth, divide it among them, and become Fathers of different Nations: The Poſterity of JAPHET ſpread themſelves over *Europe*; that of SHEM, over *Aſia*; and that of CHAM, over *Africa*.

If the Origine of other Nations was as clear and certain as thoſe which

the Sacred Scriptures make mention of, the Roots of all the Branches of Mankind might be diſcovered.

The *Greeks*, whoſe Hiſtories are the moſt ancient and authentick of all we know among the Heathens, have given us the ſame Idea of the Propagation of Mankind, and the Origine of Nations: The *Pelaſgians*, according to them, are deſcended from PELASGUS, the Son of JUPITER; the *Hellenians*, from HELLEN, the Son of DEUCALION; the *Heraclides*, from HERCULES, *&c.* I ſuppoſe that the Annals of Antiquity ſo far backwards, muſt needs be very obſcure, and often fabulous: I only obſerve, that the Hiſtorians of all Countries agree in ſhewing us, that the different People which cover the Face of the Earth, are deſcended from different Children of one and the ſame Father; and that all Nations are formed from the Multiplication of one and the ſame Trunk, into many Branches.

Nothing is more conformable than this Idea to what we ſee every Day in all Countries of the World, where different

different Families and Tribes derive their Origine from one common Father.

All the ancient Traditions, as well Sacred as Profane, aſſure us, That the firſt Men lived a very long time: By this length of humane Life, and the multiplicity of Wives which was allowed to one Man, a great number of Families ſaw themſelves reunited under the Authority of one *Grand Father*. Every Father of a Family poſſeſſed himſelf with ſuch a Portion of uninhabited Land as he thought convenient, and divides it among his Children; and their Children ſeizing upon new Poſſeſſions, proportionably as they encreaſe in Number; ſo the Family of one ſingle Man, ſoon becomes a People, governed by him whom we ſuppoſe to have been the firſt Father of them all; the eldeſt Children would acquire Authority over their Poſterity, by the ſame Paternal Rights as the common Father had acquired his over them: They enter into Conſultation with him, and have a Share in the publick Adminiſtration: Every Father ſubmits to the

common Father, and governs in concert with him, the Country, the Nation, or the grand Family.

I do not ſay, that Paternal Power alone gives Fathers an inherent Right over the Lives and Liberties of their Children; that is not the Source of Sovereign Authority; but it is the firſt and principal Canal through which this Authority paſſes to Men: The Order of Generation ſubjects all Children to the Conduct of their Fathers, until they come to Years of Reaſon; and even after that time, it is natural to reſpect them, as they have been the Inſtruments of our Exiſtence, the Preſervers of our Lives during Infancy, and the Cauſes of our Education. It is thus that Paternal Authority at the beginning became Sovereign Authority: for as it is abſolutely neceſſary that there ſhould be a Supream Power among Men, it is natural to think that Fathers of Families, who were uſed to govern their Children from their Childhood, were rather Depoſitaries of the Supreme Authority, than young Perſons without Experience, and any natural Power. This

This is the firſt Origine of Government and ancient Authority, ſo reſpected among the *Jews*, *Spartans*, *Romans*, and all other Nations in the World, either polite or barbarous: It is for this that *Kings* were formerly called *Fathers* in almoſt all Languages: It is for this Reaſon, in ſhort, that the Word *Nation*, ſignifies no more than a great Number of Families deſcended from one and the ſame Father.

Mankind continuing to multiply more and more, Families ſubdivide themſelves; and not finding themſelves any more ſubject by Paternal Authority to one ſingle Chief from whom they all deſcended, they form different Societies: Some turn themſelves into a Monarchical State, by the Authority which ſome one among 'em hath gained over the Multitude, by his Courage, Virtue, or Wiſdom: Others fearing the Abuſe of Authority in the Hands of one ſingle Perſon, divide it among many Perſons:

Others, in fine, being willing to unite all the Advantages both of the one and the other Government, by

compoſing a Mixture of each Kind, founded upon the Neceſſity that there ſhould be ſome fixed Form, which ſhould not be ſubject to the Caprice of every ſingle Perſon.

Theſe Forms having been once eſtabliſhed, it ſhould never be allowed to change them: The ſame Reaſon which renders Government in general neceſſary, requires alſo, that the Form of it ſhould be ſacred and inviolable: as Men would be always in Trouble if there was no Government, ſo would they be always expoſed to violent Agitations, if the Forms of Eſtabliſhed Government ſhould be changed at the Pleaſure of every private Perſon who ſets up for a Reformer thereof. Nothing therefore ſhould be more Sacred to Nations, than the Primitive and Fundamental Conſtitution of States. Whatſoever the Form of Government may be, and whatſoever Faults or Abuſes may appear therein, if it hath been eſtabliſhed Time out of Mind, if it hath been confirmed by long Uſe and Cuſtom, it is not allowed particular Perſons to alter it, nor deſtroy it, without

without the Conſent of the Sovereign Power.

The Reaſon is, becauſe it is very dangerous to change even the moſt imperfect Forms of Government, to which People have accuſtomed themſelves, and letting Subjects take upon them a Right of making theſe Changes. If they are once allowed this Power, there will be no fixed Rule to ſtop the Inconſtancy of the Multitude, or the Ambition of turbulent Spirits, who will be always deceiving the Populace, under the ſpecious Pretence of Reforming the State, and Correcting its Abuſes. The People therefore cannot change a Monarchy into a Republick, nor a Republick into a Monarchy, nor make Elective an Hereditary Kingdom. The Senate and People of *Rome* had Power to give the perpetual Dictatorſhip to a ſingle Man, and make him Emperor: But SYLLA, CATALINE, and CESAR, were Uſurpers, becauſe they ſeized upon the Sovereign Authority, notwithſtanding the Senate, in whom reſided the Supreme Power of the *Roman* Commonwealth. An abſolute

ſolute King may relinquiſh his Prerogative; but if the People compel him to do ſo by Force, they become Rebels.

It is thus that deceitful Men, being incapable becauſe of their Prejudices and Paſſions, or the narrow Boundaries of their Minds, to judge of what is abſolutely beſt, that there ſhould be therefore ſome Principle leſs doubtful than the apparent Goodneſs of Things, for fixing the Rights of Sovereignty; and this can be no other than the Antiquity of Cuſtoms, or the Conſent of the Power who holds the ſupreme Rank in the State. We know what the great Ligiſlator of the *Jews* ſays (*Deut.* xxvij. 17.) *Curſed is he which removeth his Neighbour's Land-Mark*: but the Rights of Sovereignty, Thrones, and Empires, ought to be more ſacred than an Acre of Land.

Let us ſhew from theſe Principles, the Syſtem of thoſe who aſcribe every thing to Providence; maintaining, that a King *de Facto*, is a King *de Jure*. Let us afterwards examine the Objections of the Anti-Royaliſts againſt Hereditary

tary Right; let us endeavour, in fine, to refute the pernicious Maxims of the Lovers of Independency, concerning Rebellion againſt the Sovereign Authority.

CHAP. VIII.

Of a King de Facto, *and a King* de Jure.

SOME conſiderable Authors have maintain'd, That GOD being the only Source of all Authority, we ought not only to obey actually what the Sovereignty commands, but alſo acknowledge its Authority as lawful, becauſe it is by GOD's Permiſſion; and this is what they call a *King of Providence*.

Simple divine Permiſſion, never gives any Right: We muſt ſubmit to every thing which GOD permits, but we muſt not always approve it as juſt: there is a great deal of difference between obeying a King of Providence, and acknowledging his Right as lawful. It is neceſſary that the Taxes

which an Uſurper impoſes ſhould be paid; that the Civil-Laws which he makes ſhould be obeyed; and that People ſhould ſubmit in general to all his Ordinances, which are neceſſary for preſerving the Order and Peace of Society; but this Obedience muſt never go ſo far, as to approve the Injuſtice of his Uſurpation, much leſs to ſwear that he hath a Right to the Crown, which he hath ſeiz'd upon by Violence. *It is certain* (ſays the celebrated GROTIUS) *that the juridical Acts which an Uſurper who is in Poſſeſſion exerciſes, have an obligatory Power, not by vertue of his Right, becauſe he hath none, but becauſe he that hath the true Right over the State, would rather that the Uſurper's Ordinances ſhould take place in that Interval, than his Dominions ſhould fall into deplorable Confuſion; as without doubt they would, if the Laws were aboliſhed, and the Exerciſe of Juſtice interrupted.*

The Partiſans of a King of Providence, have recourſe to Maxims of Chriſtianity to juſtifie their Opinion. CESAR (*ſay they*) was an Uſurper; yet JESUS CHRIST and his Apoſtles

poſtles commanded Obedience to *Roman* Emperors. It may be anſwered, according to the Opinion of the beſt *Roman* Hiſtorians of thoſe Times, that *Rome* could no longer ſubſiſt under a Republican Form; therefore it was abſolutely neceſſary, that the Unity of the Supreme Power ſhould extinguiſh the Diſorders and Civil Wars which continually happened among the Heads of Parties, who aſpired to the Sovereignty. *The Provinces* (ſays TACITUS) *would not ſhew any Repugnancy at this new Government, becauſe the Senate and People were continually oppreſſed by the continual Quarrels of Great Men, and the Avarice of Magiſtrates, againſt whom they had in vain implored the Benefit of the Laws, which yielded to Strength, Faction and Money.*

Monarchy therefore being neceſſary for the Repoſe of *Rome*, none had more Right to the Imperial Crown than the CESARS. If this Anſwer is uncertain, here is one that is not.

JULIUS CESAR was an Uſurper as well as his Succeſſor AUGUSTUS: but I deny that TIBERIUS, who reigned

reigned in the Time of our SAVIOUR, and to whom he ordained to pay Tribute, was ſo in any Sence: CESAR changed the Form of Government by Force, Violence, and other heinous Crimes; AUGUSTUS gains the Authority of the Senate, Magiſtrates and Laws, in the weak and languiſhing Times of the Commonwealth; but the plenary and free Ceſſion, which the *Patricians, Plebeians, Roman* Knights, and all the Orders made of the Sovereign Authority to TIBERIUS, is one of the moſt authentick Acts in all Hiſtory. Nothing is more remarkable than the Refuſal which this Emperor made of the Imperial Crown, and the ardent Supplications which the Senate made on their Knees, that he would accept it. Tho' the Character of TIBERIUS ſufficiently ſhews, that his Refuſals were all feint, yet the Ceſſion which they made him of the Sovereign Authority, was formal and authentick. He was therefore, properly ſpeaking, the firſt lawful Emperor, becauſe he was choſen by thoſe who had a true Right of Election. He changed

ed the Form of the Government of *Rome*; but it was with the Conſent of thoſe in whom the Supreme Power at that Time reſided, *viz.* the Senate and *Roman* People: for no body doubts but in ſome ſuch Caſes the Supreme Power of a Nation may change its Form of Government; it is a lawful Method, and conſiſtent with Order, when it does not expoſe us to Anarchy. But in Kingdoms, where the Supreme Power is not in the Senate, where the different Orders, whether they be *Patricians* or *Plebeians*, are only the Counſellors of the King, it is certain that their ſubaltern and ſubordinate Power can never act independently from the Royal and Supreme Power, without expoſing the Kingdom to moſt dreadful Anarchy and Confuſion.

There are another ſort of Politicians, who maintain, that the Hereditary Right of Crowns is a Chimera; which we are now going to examine.

CHAP. IX.

The Hereditary Right of Lands, and that of Crowns, are founded upon the ſame Principle.

BY *Right* in general is underſtood, *the Power of doing and poſſeſſing certain Things according to Law.* The Law is either *Natural* or *Civil*, and conſequently *Right* is either *Natural* or *Civil.*

The Law of Nature being founded upon Sovereign Reaſon, it is immutable, eternal, and univerſal, even as Reaſon it ſelf. If Men were in a State of knowing and following always this Law, there would be no occaſion for Civil Laws; every one would have his own Law within himſelf: But the Ignorance and Malice of Men, hindering them from diſcovering and loving this pure Law of Nature, they lie under a neceſſity of eſtabliſhing Civil Laws, that is to ſay, Rules of Conduct, accommodated to the particular Circumſtances of every Society, and to the preſent Wants of Humanity. But

theſe

theſe Rules having often no Foundation upon pure and primitive Nature, Civil Right, which depends upon theſe Rules, is often contrary to Natural Right.

In the preſent State of humane Nature, it muſt often fall out, that we muſt turn away a great Evil by ſuffering a leſs: It is thus that Civil Laws have ſprung, which (ſometimes ſpeaking) from the Order of Reaſon, by their Nature take place, through the neceſſity there is of eſtabliſhing them, in order to ſet Boundaries to the Paſſions of Men. I ſhall explain my ſelf thus:

We are all Citizens of the Univerſe; Children of one and the ſame Father; Brethren by an Identity of Nature, and conſequently we are all born with an equal Right to every thing which we ſtand in need of for our Preſervation.

According to this Principle, nothing is more contrary to Nature than the unequal Diviſion of Eſtates; the exorbitant Wealth of ſome Perſons, who have no perſonal Merit, and the dread-

ful

ful Poverty of others, who are infinitely valuable: Yet if it was permitted every one to ſeize upon what he ſtands in need of, becauſe everyone hath an equal Right according to the Law of Nature, the generality of Mankind would ſo ſerve themſelves from this Principle, as became ſo many Thieves and Robbers: it would be impoſſible to preſerve the Order and Peace of Society, and they would continually be falling into Anarchy and Confuſion. But for avoiding theſe Inconveniencies, it is neceſſary that there ſhould be Civil Laws, as Contracts and Succeſſions for regulating the Diviſion of Eſtates.

We ought to reaſon after the ſame manner in Point of Authority: for according to the Law of Nature, which is that of right Reaſon, he who is the moſt capable of diſcovering that which is juſt, of loving it, and executing the ſame; that is to ſay, the moſt wiſe and vertuous ought, (without doubt) in the Diſtribution of the Authority, to be preferred before one leſs wiſe and leſs vertuous.

But

But becauſe Pride, the Love of Indepency, and other Paſſions, cauſe us to prefer our ſelves before others, there muſt be ſome Rule leſs equivocal than Perſonal Qualities, to fix the Poſſeſſion of the Sovereignty, to the end that it ſhould not become a continual Prey to the Avarice of Men.

So that it is only Wiſdom, Vertue, and Merit, which have in themſelves a natural Right of Preference: For as Self-Love urges us all to judge in our own Favour, it was abſolutely neceſſary that there ſhould be ſome fixed and evident Sign for deciding of Ranks and Qualities, in order to preſerve the Peace of Society. The Diſtinction the leaſt expoſed to Envy, is that which comes from a long Train of Anceſtors: for which reaſon it is, that almoſt in all Kingdoms, Antiquity of Families rules Dignities.

I conclude from all this, that the Hereditary Right of Crowns, and that of Lands, have indeed no Foundation upon Natural and Primitive Right, but are both founded upon the ſame Principles of Civil Right, and ought

to

to be both equally inviolable in all Countries where they are eſtabliſhed. If there is no difference between a lawful King and an Uſurper, there is none betwixt a natural Heir and an unjuſt Poſſeſſor; betwixt a true Proprietor, and a Robber on the Highway. The firſt Occupiers would have no inherent and natural Right of Transferring to their Poſterity the Poſſeſſion of Lands, excluſive of all Mankind; and the firſt Sovereigns and Founders of Kingdoms would have no Right of Transferring the Royalty to their Succeſſors: But if both of 'em are become neceſſary for preventing the Miſchiefs of a new Diſtribution of Eſtates, and a new Election of Princes in every Age: If both have been confirmed by long Uſe and Cuſtom, Time out of Mind, it is as great a Crime to change the one as to change the other. If it is Injuſtice and Robbery to ſteal the moſt ſimple Moveable, or take away an Acre of Land, is it Juſtice to ſteal Crowns, and invade Kingdoms? The whole World is, with reſpect to GOD, but

as

as one and the ſame Commonwealth, every Nation of which is but one Family. The ſame Law of Juſtice and Order, which renders the Hereditary Right of Lands inviolable, renders the Hereditary Right of Crowns Sacred.

In order to make appear the Abſurdity of theſe contrary Principles, let us leave a little the ſerious Style, and hearken for a moment, to the Reaſons which theſe Maxims would equally inſpire a fierce Republican and an High-way-man.

'Kings (*ſays the Republican*) are only Depoſitaries of an Authority which reſides originally in the People: Men are born free and independant. My Anceſtors have yielded up their inherent Right of governing themſelves, to Sovereigns, upon Condition that theſe Supreme Magiſtrates ſhould govern well. The King hath violated the original Contract; I will enter upon my firſt Right; I will take it and give it another, who will make better uſe of it; the Hereditary Right of Crowns is a Chimera: By what Authority have the firſt Princes

'taken

'taken upon 'em to transfer to their 'Children a Right (excluſive of all 'Mankind, and of Thouſands more 'worthy than their Poſterity) of Go-'verning? My Anceſtors could not 'transfer, without my Conſent, a Pow-'er which takes away my inherent and 'natural Right; and certainly their 'Deſign in truſting this Right with 'Princes, was not to render Poſterity 'miſerable.

'You are in the Right of it, *replies 'the Highway-man:* It is upon the ve-'ry ſame Principles which I regulate 'my Life: Rich Men are only the De-'poſitaries of Poſſeſſions which belong 'to all Mankind: Men are born all 'Citizens of the Univerſe, and Chil-'dren of one and the ſame Family: 'They have all an inherent and natu-'ral Right to every thing which they 'ſtand in need of for their Subſiſtence. 'I agree with you, that my Anceſtors 'and your's have made a free Agree-'ment among themſelves to divide E-'ſtates, and the good Things of the 'Earth; but mine pretended, with-'out doubt, that their Poſterity ſhould

'be

'be provided with every thing neceſ-
'ſary. Rich Men have violated this
'Contract; they have ſeized upon eve-
'ry thing, nothing remains for me; I
'will enter upon my natural Right; I
'will take it, and ſeize upon that
'which naturally belongs to me: The
'Hereditary Right of Lands is a meer
'Chimera. By what Authority have
'the firſt Occupiers taken upon 'em
'to transfer to their Poſterity a Right
'excluſive of all Mankind, more wor-
'thy than their Poſterity? My Ance-
'ſtors could not transfer to others,
'without my Conſent, a Right which
'deſtroys my natural and inherent
'Right: And certainly their Deſign
'in the original Diſtribution of Riches,
'was not to render their Poſterity mi-
'ſerable. And ſince theſe Princes and
'Magiſtrates, which you call Uſurp-
'ers over the Rights of Humanity,
'hinder me from enjoying that which
'belongs to me by Nature, I will
'maintain my Right, and complement
'my ſelf with the Superfluities of all
'thoſe which I meet. For as I con-
'ceive, Brave Tribune of the People,
'and

'and Worthy Partiſan of the Natural 'Liberty of Men, ſince you have more 'Money than you ſhould have, per- 'mit me to tell you, that it belongs 'to your Brethren, my Companions, 'and to me, who am deſtitute of eve- 'ty Thing. Do me the ſame Juſtice 'which you would have Princes do 'you: They have violated your natu- 'ral Rights; you have encroached up- 'upon our's: We have nothing; you 'have much more than you ſhould 'have: We are your Brethren; we 'love you; we will not take away 'your Life; we don't demand your 'Neceſſaries; divide only between us 'that which you have no immediate 'want of.

What would an Anti-Royaliſt ſay, if he ſhould meet upon the High-way with ſuch a Robber, ſo polite, gen- teel, and zealous for the Natural Rights of Humanity? I do not ſee any other Anſwer he could make, but that of giving him his Purſe, without com- plaining of the leaſt Injuſtice. But I ask Pardon for this ſmall Digreſſion. *Ridendo dicere verum quid Vetat?*

It will be ſaid, perhaps, that it would be permitted every one to ſeize upon the Superfluities of others, if there was not lawful Means eſtabliſhed, ſuch as Succeſſion, Contracts, Labour of the Body or Mind, to become a Proprietor of Lands.

I ſay the ſame, that it would be allow'd every one to aſpire to the Sovereignty, if there was not lawful Means eſtabliſhed, ſuch as Hereditary Right, or Election, for attaining the Supreme Authority. No Man is born a King by Inherent and Natural Right, excluſive of all others more worthy than himſelf: I grant it; but then no Man is born a Proprietor of ſuperfluous Riches, by Inherent and Natural Right, excluſive of all other Men more worthy than himſelf.

If there was a fixed Method for diſtributing Crowns and Eſtates according to Natural Right, that is to ſay, according to the immutable and perfect Law of Sovereign Juſtice, the Hereditary Right of Empires, and of Lands, would be unjuſt: But the Paſſions of Men, and the preſent State of Humanity,

Humanity, rendring it impoſſible, it is abſolutely neceſſary that there ſhould be ſome general Rules for ſettling the Poſſeſſions of Crowns, as well as that of Lands. In all Places where Hereditary Right is eſtabliſhed, (for regulating both theſe) there is as much Injuſtice in changing the one as the other, without the Conſent of the lawful Poſſeſſor and true Heir.

But ſome will ſay, ſince the Right of Property, and that of Sovereignty are founded upon the ſame Principles, the Law of Preſcription ought to take place in one as well as in the other. Poſſeſſion (without doubt) gives Civil Right to Crowns as well as Lands, when there is no lawful Competitor; but if there is ſuch an one, the Poſſeſſion is not juſt: The Right of *Inheritance* and the Right of *Dominion* being both founded upon the Neceſſity of preſerving Order, by rendring the ancient Poſſeſſion of the Sovereignty a lawful Authority, and the ancient Poſſeſſion of Lands, a lawful Property. The Poſſeſſion of Lands, tho' at firſt unjuſt, becomes lawful after ſome

ſome certain time, becauſe the Generation of Men continually changing and decaying, they cannot aſcend ſo high as the firſt Poſſeſſor, when the Succeſſion hath been a long time broke and forgot; this might cauſe infinite Troubles and Diſorders in Society; the firſt Occupiers had no inherent and natural Right of appropriating to themſelves more than what they had occaſion for, for their Subſiſtence; nor of transferring the ſame to their Poſterity, excluſive of all other Men: for which reaſon the Right of actual Poſſeſſion takes place of the original Acquiſition of the firſt Occupiers: But whilſt the true Heir and immediate Succeſſor in a direct Line ſubſiſts and claims his Right, can the Law of Preſcription take place in Hereditary Kingdoms, any more than in Hereditary Poſſeſſions?

CHAP. X.

Rebellion is never allowed.

THE Lovers of Independency, and enraged Republicans, believe, that the only Remedy againſt the Abuſes of the Sovereign Authority, is to permit the People to take up Arms againſt unjuſt Princes, to depoſe them, and treat them as Criminals; they advance Principles every-where, which by attacking Arbitrary Power, make every thing fall into Anarchy; nothing is more pernicious than their Maxims, for theſe Reaſons.

1. I will ſuppoſe with them, for a Moment, that all Authority comes from the People, and from the Ceſſion which they made of their Natural Right. It does not follow, therefore, that they muſt always be in the right, of re-taking it after they have once given it away: This would be continually falling into the ſame Inconveniencies for which they had before parted with it. People having experienced

ced the Evils, the Confuſions, and the Horrors of Anarchy, give every thing to avoid it; and as they cannot give Power over him, who may turn it againſt himſelf, they would rather ſometimes run the Hazard of being ill-treated by a Sovereign, than be continually expoſed to their own Rage and Fury. Rebellion againſt the Supream Power of a Kingdom after ſuch a Ceſſion, is a Contradiction. If this Power is ſupream, it hath no Superiour: By what Authority then will it be judged? If the People are always ſovereign Judges, they have not then made a Ceſſion of their Right. If they have not yielded it up, they may always give themſelves up to their own Caprice, under Pretence, that they are the greateſt Number, and to whom belongs, by inherent, natural, and inalienable Right, the Sovereign Authority. Anarchy then becomes inevitable, becauſe every ſeditious Perſon who can aſſemble the greateſt Mob, will pretend to the Sovereign Power of the Nation, more than the Laws, fixed Principles, or fundamental Conſtitution: Every one will

govern by Force. If they were to make a Choice between Deſpotiſm and Anarchy, without doubt they would prefer the former to the latter. The Succeſſor of a Tyrant may repair the Faults of his Father: Bright and happy Days may ſhine through thoſe which evil ones have clouded. There is always ſome Reſource againſt the Diſeaſes of the grand Body Politick, as long as the Prince is not attack'd in his Life, and whilſt there is ſome Order, and ſome Sovereign Authority to awe the People: But in Anarchy there is no Help; every one is a Slave to the Strongeſt; every private Perſon becomes a Tyrant: Tyranny multiplies without end, and by increaſing thus, it perpetuates itſelf. It can never be ſtopped, or ſuſpended, but by Obedience and Submiſſion to ſome Supream Authority, who ſhould only be reſponſible to GOD, for the Abuſe of his Power.

2. The Troubles and Cares of Sovereignty, are greater than thoſe of any other State or Condition; (*a*) "A "pri-

(*a*) *Telemachus*, Lib. 12. p. 247.

'private Capacity may conceal its na-
'tural Imperfections, becauſe ſuch a
'Condition is not expoſed to publick
'View: On the contrary, Grandeur,
'and Elevation, put all their Talents
'to vulgar Proof. The whole World
'is employ'd in obſerving always a
'ſingle Man, and judging him in e-
'very Extream: Thoſe who judge
'him, have no experience of the Con-
'dition or State he is in, neither are
'they ſenſible of the Difficulties there-
'in. *Kings*, tho' never ſo good, or
'wiſe, are ſtill but Men; their Minds
'and Underſtandings have Boundaries,
'as well as their Virtues; they have
'Humours, Paſſions, and Habits,
'which they are not always Maſters
'of; they are ſurrounded by ſelf-in-
'tereſted and cunning People: Sove-
'reignty carries with it all theſe Mi-
'ſeries; humane Weakneſs ſinks under
'a Load ſo heavy; Kings are to be piti-
'ed and excus'd. Are not they to be piti-
'ed, who have ſo many Men to govern,
'whoſe Wants are infinite? And who
'give ſo much Trouble to them, who
'would well govern them? But to

'ſpeak freely, Men are more to be 'pitied, for having occaſion to be 'governed by Kings who are but 'Men like themſelves; for the Gods 'ſhould only redreſs Men: But Kings 'are not the leſs to be pitied, as being 'but Men, that is to ſay, weak and 'imperfect, in having ſuch a vaſt 'Number of corrupt and deceitful 'Men to govern. The Laws ſometimes tolerate the Faults of private Men; but how much more reaſonable is it to ſuffer patiently the Faults of Sovereigns, and to conſider the painful and high Station which they are charg'd with for our Preſervation, their Difficulties, Temptations and Paſſions which accompany them in their Sovereign Authority, where the leaſt Miſtakes are of the greateſt Conſequence, and the moſt trifling Errors cauſe violent Shocks.

3. Political Affairs are often ſo obſcure and nice, that not only the common People, but even Perſons of the greateſt Capacities, are not always capable of examining, whether the Meaſures which are taken are juſt, or not; the beſt and wiſeſt Deſigns have very often

often bad Succeſs: On the contrary, unjuſt and bold Enterpriſes often ſucceed. The People judge only from Appearances, and almoſt always by the Event of Things: Beſides, the publick Intereſt requires, that the Views and Intentions of Sovereigns ſhould be kept ſecret. It is, therefore, very difficult to judge when the Sovereign doth Wrong, or not! "The Goodneſs or "Badneſs of an Action, *ſays the Celebrated* GROTIUS, eſpecially in Civil Affairs, are often of ſo difficult a Diſcuſſion, that they can neither be a Rule to the People, nor Boundaries to Kings in the Extent of their Authority: On the contrary, there might truly happen great Diſorders thereby, whilſt the King on one Side, and the People on the other, would each determine from the ſame Affair, as would cauſe ſuch a Confuſion, that no People durſt have the Courage to introduce.

Without doubt the Laws alone ought to rule; without doubt the publick Good ought to be the immutable Rule of theſe Laws; and without doubt

Princes overthrow the Deſign of all Government, when they act againſt this publick Good. But if it was permitted every private Perſon to explain the Laws after his own Manner, to judge of the publick Good, and to fix the Boundaries of Sovereign Authority; it would expoſe every Government to perpetual Revolutions, and there would be no more any fixed Point in Policy: For that which undermines the Foundation of all Authority, which carries with it the Ruin of all Power, and conſequently of all Society, ſhould never be admitted as a Principle of Reaſoning, or Conduct in Policy. If Rebellion is once permitted, there will be no more any fixed Point to put a Stop to the extravagant Humours of Men. If People may rebel to day, for ſome imaginary Reaſons, they will pretend to find the like Reaſons to rebel again to morrow. As Opinion has the ſame Effect upon the Mind as Truth; as long as any one Party ſhall pretend to imagine, that he has Reaſon to oppoſe the Sovereign Powers, they will believe themſelves in the right of it,

when

when they take Arms. There is no infallible Authority in Policy; the beſt Princes commit great Errors. If Rebellion was to be lawful, all thoſe who have an Antipathy againſt the Perſons of Princes; all thoſe who are out of Humour with the Government; and all thoſe who are diſcontented, becauſe the Power is not in their Hands, will never ceaſe from ſpiriting up the People daily, and ſcandalizing the beſt Princes with the odious Name of *Tyrant*. All bold and ambitious Perſons, who are capable of making Factions, and becoming Heads of Parties, will take upon them new Pretenſions, to alter and amend the Form of Government: from this proceeds the Deſtruction of all Order, and the Source of all Mobbiſh Revolutions, not only in every Age, but at all Times; inſomuch that there would be no more any fixed and conſtant Society upon Earth, but the whole World would be turn'd into diſmal Anarchy.

5. In changing of Sovereigns, there is no Certainty of finding more moderate, or better than thoſe which have been

depoſed. 'Do you think, *ſaid a* Roman 'Senator, (*a*) that Tyranny would 'dye with NERO? It was ſuppoſed 'to have been extinguiſhed by the 'Death of TIBERIUS and CALI-'GULA, and yet we have ſeen a 'third more cruel than they. —— '(*b*) CLAUDIUS had therefore great 'reaſon to ſay to the *Parthian* Am-'baſſadors, who came to him to de-'mand a better King than what they 'had; That ſuch frequent Changes 'ſignified nothing; but that they 'ought to behave themſelves as much 'as poſſible to the Humours of Kings.' (*c*). An antient General of the Army made uſe of this Reaſoning, in order to reclaim rebellious Subjects. 'You 'muſt ſupport, *ſays he*, the Luxury 'and Avarice of your Sovereign; as 'Sterility, Storms, and other Diſor-'ders of Nature, there will be Vices, 'as long as there are Men; but the 'Evil does not laſt always, and is 're-

(*a*) Tacit. *Lib.* 4.
(*b*) Tacit. *Annal.* 12.
(*c*) Petilius Cerealis *in* Tacitus.

'recompenced by good Princes who 'ſometimes govern.

All Men have their Paſſions: Sovereign Authority is a great Temptation: He who appears to day moderate, and zealous for Liberty, ſoon changes his Ideas when he ſees himſelf raiſed to the higheſt Degree of Sovereign Grandeur. Every Man carries in his own Breaſt the very Principle of Tyranny, which is Self-Love. Frequent Changes therefore are not a Remedy againſt Tyranny; the Tyrant may be changed, though the Tyranny continues! We are not ſure, by Rebellion, to find better Maſters; but we are ſure of this, by overthrowing the moſt wicked Princes, to engage his Subjects our Fellow-Citizens in Civil Wars, Cabals, Factions, and univerſal Trouble. The Love of our Country, therefore, oppoſes the Overthrow of Subordination, and every thing agrees to prove, that Rebellion ſhould never be permitted under any Pretence whatſoever.

But it will be ſaid, perhaps, *Salus Populi ſuprema Lex.* This is the favourite

rite Maxim which the Lovers of Independency abuſe.

The Happineſs of the People is, without doubt, the ſupream Law, and the End of all Government; but this Happineſs doth not conſiſt altogether in the Affluence of the Fruits of the Earth: There are Felicities more valuable, and to which Men ought to ſacrifice theſe inferiour Things, which are common even to brute Beaſts; ſuch as, the Peace of the Commonwealth, the Union of Families, the Prevention of Civil Wars, Factions and Cabals, which deſtroy a Country infinitely more than the heavieſt Taxes; no Man hath a natural Right to any thing more than what is abſolutely for his Preſervation: If the publick Good requires, that a Man ſhould part with the Superfluity of his Eſtate, he ought not to complain, becauſe it only takes from him what he hath no natural Right to; for the moſt important Things which tend to his Preſervation are Life, Liberty, *&c.*

It is not pretended herein, to juſtify the inhumane and barbarous Conduct of

of ſome Sovereigns, who oppreſs their Subjects with exorbitant Taxes, often depriving them even of Neceſſaries; theſe are inexcuſable Monſters of Humanity. I only maintain, that if we cannot put a Stop to their Exceſſes by ſuch Means as are lawful, and conſiſtent with Order and Subordination, we muſt ſuffer them with Patience. I ſhall always ſay, with NARBAL in TELEMACHUS, where ſpeaking of PIGMALION, whoſe Deſcription repreſents the moſt execrable Tyrant: *For my Part, I fear the Gods: whatſoever befals me, I ſhall be faithful to the King whom they have ſet over me: I would rather that he ſhould take away my Life, than I ſhould deſtroy him, or be wanting even in his Defence.* Nothing is more frightful than Tyranny, when we reflect thereupon; but this Diſorder vaniſhes when we look upon the ſupream Providence, who appoints theſe tranſitory Diſorders for the Accompliſhment of his eternal Order. It would therefore be rebelling againſt GOD, to rebel againſt the Powers which

which he hath eſtabliſhed, tho' they ſhould abuſe their Authority.

This Reflection leads us naturally to conſider, whether Religion may be any Pretence for Rebellion. The falſe Devotees of all Religions and Sectaries cry out with one general Voice, *Religio ſancta ſummum jus.* This Opinion proceeds from a falſe Idea of Religion, as the other comes from a falſe Idea of the Happineſs of the People: Nothing is more great, or more noble, than Religion; nothing is more mean and deſpicable, than the Idea which theſe formal Devotees conceive thereof. Men do not underſtand what Religion is, when they make it conſiſt only of outward Worſhip; for this Worſhip is only the Expreſſion, and not the Eſſence of Religion.

The eſſential Part of Religion conſiſts in the Sacrifice of the Spirit and the Will, to believe all that GOD would have us believe, and to love what he would have us love: This Religion ſubſiſts in the Heart, even when it cannot outwardly be expreſſed. No Sovereign, no Creature viſible,

ſible, or inviſible, no Law, nor no Puniſhment, can either force it in, or drive it from thence.

It is no extraordinary Thing, that weak Heads, Enthuſiaſts, or ſuperſtitious Perſons, who make all Religion conſiſt in the Profeſſion of certain Forms, or in the Practice of certain Ceremonies, ſhould imagine, that they may throw aſide their Religion as they do their old Cloaths, and other Lumber. Deceitful and cunning Men will eaſily engage them to take up Arms, by perſuading them, that it is for the Benefit of Religion to do ſo: But thoſe who know, that true Piety conſiſts in believing, thinking, and loving, as GOD would have us, will never rebel againſt the lawful Powers. Faith and Charity are independent of all outward Conſtraint, they perfect themſelves in the Temple of the Heart, when Violence only hinders expreſſing them outwardly; and even then it is, that we ſuffer for, and through them, and the Croſs becomes the moſt perfect Exerciſe.

When

When a Prince would compel us to the Obſervance of a Religious Worſhip, which appears to us contrary to what we ſhould pay the Divinity, we are not obliged to obey him; but then we are not to rebel: The only Remedy is, to ſuffer the Puniſhments which he impoſes upon us; for though it ſhould never be allowed to rebel againſt the ſupream Powers, yet however, it is not reaſonable to obey all their impious and unreaſonable Commands.

There is a great Difference between Active Obedience, which makes us Miniſters of Evil, and Paſſive Obedience, which makes us ſuffer what we cannot help, without diſturbing the eſtabliſhed Order and Subordination.

But, ſay ſome, if we can put an End to Tyranny by the Death of a ſingle Man; if we can ſave our Country, by ſacrificing the Tyrant, is not the publick Good to be preferr'd before the Life of a ſingle Monſter of Humanity?

When Sovereigns accuſtom themſelves to know no other Law than their own arbitrary Wills, they undermine the

the Foundation of their Authority; a ſudden and violent Revolution will enſue, which under Pretence of bringing into its natural Courſe this overflowing Power, very often deſtroys it: the People will revolt ſooner or later, and GOD will ſerve himſelf thereby, as the Inſtruments of his Juſtice, in puniſhing wicked Princes. But theſe fatal Diſorders, which GOD only permits, are they fixed and conſtant Rules for wiſe and good Citizens? On one ſide, Monarchs ought to know, that deſpotick Tyranny will infallibly produce the Deſtruction of their Power. On the other, Subjects ought to remember, that it is the Duty of every good Citizen to ſuffer, rather than rebel, when he cannot hinder the Abuſes of the Sovereign Authority, without running the Riſque of overthrowing all Subordination, and reducing every thing into Anarchy by Rebellion.

If we were ſure of preſerving the Peace and Order of Society, and redreſſing the Evils of our Country, by ſacrificing a ſingle Man; without doubt the Laws of ſimple Policy would re-

require this Sacrifice. But can we be certain, that in Rebellion it is the Love of our Country which excites us; that the Prince is truly a Tyrant; that his Faults are inexcuſable; that his Death will put a Stop to our Calamities; that we ſhall find a better Prince to reign over us after him; and in ſhort, that this Example of Rebellion, tho' for a lawful Cauſe, will not furniſh the unruly Paſſions of Thouſands of Men with unreaſonable Pretences of making new Rebellions, and ſo undermine the Foundation of all Society. Muſt we cure the Diſeaſes of the grand Body Politick, by uſing violent Methods, which ſhould not be uſed, and if made uſe of, would produce ſuch Effects, as would end in the Deſtruction of every Government.

But ſuppoſe, that according to Policy, that is to ſay, according to the Laws for the preſent and actual Good of the Society, Rebellion was allow'd; it would, however, be contrary to Natural Religion, which is the Foundation of all true Policy.

I ſpeak

I ſpeak as a Philoſopher, who knows no Revealed Religion but that which regards this ſupream Providence, from whom alone Sovereignty is derived. Crowns, Empires, and the Government of Republicks, were not beſtowed by blind Chance, or Fortune: let us therefore reverence thoſe to whom GOD hath given them, even though they abuſe their Authority.

I do not ſpeak of thoſe who uſurp the Sovereignty, by the ſimple Permiſſion of Providence, but of thoſe to whom the Sovereign Maſter of the Univerſe gives Supream Authority, according to the neceſſary Laws eſtabliſhed for preſerving the Order of Society, as Hereditary Right, for Example.

GOD will not ſuffer his People to be continually oppreſs'd with evil Government, neither will he trouble the Univerſe with continual Tempeſts. We ought therefore to ſupport bad Princes, in regard to this Supream Providence, who knows exactly how far he will permit Tyrants to chaſtiſe a Nation.

All the Arguments of theſe Lovers of Independency have no other Force in

in them, than to deny all Providence; to believe the World governed by blind Chance; and I don't ſay all Revealed Religion, but the pure Reſpect and Worſhip of the Divinity, where the true Philoſopher will find the Source of all his Duties.

It is true, that in all Sorts of Government, Monarchical or Mixed, Abſolute or Limited, Hereditary or Elective, it ſhould always be allowed to repreſent the Grievances of the Nation, in caſe of any general Oppreſſion which threatens the Ruin of the Commonwealth. It is a Duty of the Law of Nature, to expoſe the Condition of the People to their common Father, who being ſurrounded by crafty Courtiers, cannot know the Particulars of the Nation, nor ſee with his own Eyes all the Evils which oppreſs it: For which Reaſon the Emperor CONSTANTINE made this excellent Law, (*a*) 'If any Perſon, *ſays he*, 'of what Place, Order, or Dignity 'ſoever he be, can prove, that any 'of

(*a*) Lib. Cod. THEOD. *de Accuſat.*

'of my Judges, Confidents, Friends, 'or Courtiers, have acted unjuſtly, 'let him come to me, without any 'manner of Fear, and in full Security, 'let him boldly ask for me; I will hear 'him myſelf; I will examine the Af-'fair, and I will be revenged on him 'who hath deceived me by falſe Ap-'pearances of Juſtice; and I will heap 'Favours and Dignities on every one, 'that ſhall diſcover theſe Deceivers.

It is never below the Sovereign Majeſty, to hearken to the humble Petitions of his People, and to judge between them and his unjuſt Miniſters; he is the Father of his People.

It is no Breach of the Paternal Right, to ſhew him that which he cannot always diſcover himſelf. 'There 'is no other Remedy, ſays an Illuſtrious 'Magiſtrate of the laſt Age, (a) when 'the Affections of the Subject is alienated 'from the Prince, but to call together the 'General Eſtates of the Kingdom, ac-'cording to the Cuſtom in France. It is 'in this Tribunal only, where may be 'heard

(v) Hiſt. de Monſ. de THOV. *Lib.* 25.

'heard and redreſs'd the Complaints 'of the whole Nation. In theſe Pub-'lick Aſſemblies Subjects enter into 'Conference with their Prince; they 'lay open their Grievances before 'him, and afterwards ſubmit them-'ſelves, without grumbling, to bear 'with Patience and Submiſſion, the 'Yoke not only of the King, but of 'the whole Nation groaning under 'the Load of its Neceſſities.

Let us not then ſo freely complain of Princes; they are often honeſt in their Proceedings, which afterwards prove unjuſt; for being deceived, and ſurrounded by their Miniſters, they cannot diſcover the Truth. Let us therefore accuſe ourſelves, for not having Courage ſufficient to declare the Truth to Princes: The Love of our Country is almoſt extinguiſhed; every one thinks only of himſelf, and how he may aggrandize his Fortune, never minding the Sufferings of others. Kingdoms periſh more through the want of having good Subjects, than becauſe there are often bad Sovereigns.

We

We ſhould never take up Arms againſt lawful Sovereigns: we have ſeen the fatal Conſequences of it. Let the Intentions of the Subject be never ſo good; or the Extremities to which they are reduced, never ſo great; the Remedy is always fatal, becauſe it opens a Door to Diſorders more deſtructive than thoſe we would deliver ourſelves from. But if it is never allow'd to take up Arms in any Caſe whatſoever, how much more monſtrous is it, to act even againſt the Perſon of the King himſelf, tho' it might be allow'd to hold our ſelves on the defenſive Part, to hinder the Abuſes of his Authority; yet it would be always pernicious, to make uſe of this violent Remedy to any other end, than to drive from the Throne, baſe and unworthy Miniſters, who deceive Princes; and to have free Acceſs to the ſacred Perſon of the King, in order to adviſe him of the State of the Nation. When Subjects approach their Sovereign in ſuch a Manner, they have no more to do, but lay open their Grievances, remonſtrating to him, with due Veneration, that Neceſſity, which hath no Law,

Law, obliges them to addreſs themſelves to him alone; they muſt hold themſelves faſt at the Foot of his Throne; they are not allow'd to mount higher. They have no Right to judge or puniſh the Father of their Country. He hath committed Faults, but he hath been drawn thereto, by his own Paſſions, or thoſe of his Courtiers; but for all that, he is always a Father, the Depoſitary of the Divine Authority, and the Source of Order and Subordination. His Crimes give no one a Right over his Life.

Sovereignty being expoſed to much Hatred, violent Temptations, and often to voluntary Miſtakes, which have ſuch dreadful Conſequences as Sovereigns cannot prevent; we muſt therefore maintain a particular Safety for their Perſons; and this is the unanimous Opinion of all Nations.

According to QUINTUS CURTIUS, 'People who live under Kings, 'have the ſame veneration for the royal 'Name, as for the Divinity. ARTABAN 'the *Perſian* ſaid, that the beſt of all 'Laws is that, which commands us to

'to honour and obey the King, as 'the Image of GOD, who is the Pre-'ſerver of all Things; and PLU-'TARCH upon AGIS ſays, That it 'is an impious Action, to attempt 'the Perſon of the King, whatſoever 'his Faults may be. So great is the Truth of this Aſſertion, that according to the Confeſſion of all Nations, the Perſons of Kings ought to be inviolable.

It is thus we muſt ſupport, with Moderation and Reſpect, the common Father of our Country in his natural Infirmities; it is thus we muſt endeavour to ſoften the Rage of Tyrants, without being Tyrants ourſelves, in being wanting in our Duties: They merit no other Reſpect, but as they are Depoſitaries of the Divine Authority, and as there is an abſolute Neceſſity to regard this Authority as inviolable; for the Love even of our Country, therefore we ought to have a tender Regard to the Power which reſides in them. If it is ever allowed to puniſh and depoſe Sovereigns, you will furniſh ambitious Men with Pre-

tences of overthrowing the Royal Authority when they find themſelves able; you will expoſe all ſorts of Government to ſudden Revolutions; and you will often deliver up the beſt Princes to the Rage and Fury of the Populace.

I do not ſpeak here in Caſe of a manifeſt *Delirium* or Madneſs, as when a Sovereign ſlays his Subjects for his own Diverſion, as the King of *Pegus*, who by the Inſtigation of his Magicians, forbad his Subjects to Till the Ground, becauſe they ſhould be reduced by Famine to eat one another. In Caſes even of evident Folly, there ſhould be no ſuperior Judges to depoſe Princes; a Conſultation of Phyſicians is ſufficient to engage the Body of the Nation, to bind the Hands of ſuch a Soveregn, as they would do to a Madman: But in ſuch Caſes as theſe, we muſt preſerve an inviolable Reſpect for the Perſon of the Prince.

If Subjects would follow this Conduct with their Princes, they would prevent three great Evils, which cauſe the Ruin of Kingdoms, *viz.* the total and abſolute Oppreſſion of the Peo-

ple,

ple, the impious and ſacrilegious Aſſaſſination of Sovereigns, and unjuſt Uſurpations.

I ſpeak here only of the Obedience due to the ſupreme Power of any State or Kingdom, for if thoſe who govern are only ſimple Executors of the Law, and not Sovereign Legiſlators, there will be always ſome Reſource againſt the Abuſes of their Authority; and thoſe in whom the ſupreme Power reſides, may and ought to puniſh them: for when once this ſupreme Authority is fixed by the Fundamental Conſtitution of the Nation to one or more Perſons, it is then no more allowed to rebel.

This Doctrine which we have been advancing, is not confin'd to Royalty only, as if we were Idolaters thereof. The Conſpiracy of CATALINE againſt the Senate of *Rome*, was not leſs criminal than that of CROMWELL againſt the Crown of *England*; all Dominions, of what kind ſoever their Government be, ought to have a powerful Intereſt in favouring the Principles of Obedience, which we have endeavour-

ed to eſtabliſh: Our Deſign is, not to condemn any Form of lawful Government, but to ſtrive to make them all eſteemed as ſacred and inviolable, and to inſpire every one with the love of Peace and Submiſſion, as being Vertues not only of good Citizens, but of true Philoſophers.

CHAP. XI.

Of the ſeveral Parts of Sovereignty, its Extent and Boundaries.

Sovereign Authority ſuppoſeth a Power of preventing Diſorders and Violences both within and without, which might deſtroy Society; and for attaining this End, it is neceſſary that the Sovereign ſhould have three ſorts of Right.

1. The Right of marking out, or ſpecifying to his Subjects thoſe Rules of Conduct which ſhould inſtruct every one in what he ought to do or not do, in order to preſerve the Peace of the Nation;

Nation; and what he ought to ſuffer if he is wanting in the Obſervation of theſe Laws; this is what Politicians call *the Legiſlative Power*.

2. It is not ſufficient to prevent the interior Maladies of the grand Body Politick; it muſt alſo be defended againſt the Violences which proceed from without, by a Power of arming the Citizens to defend themſelves againſt all thoſe who would attack them; and this is what is called *the Power of making War and Peace.*

3. The Wants of the Nation neceſſarily requiring conſiderable Expences, both in Times of War and Peace, it is requiſite that Sovereigns ſhould have the Power of raiſing Forces, and obliging the Citizens, or Subjects, to contribute what is neceſſary, in order to ſatisfy the Wants of the Country.

By theſe different Prerogatives, Sovereigns acquire three ſorts of Rights over their Subjects, *viz.* a Right over their *Actions*, a Right over their *Perſons*, and a Right over their *Goods*. But GOD, from whom all Sovereign Authority proceeds, doth not give this

Power to thoſe who are inveſted with it, that they ſhould uſe it according to their own Fancies. He hath a certain End in truſting Men with an Authority ſo large; and this End is the Rule and Supreme Law, according to which theſe Rights are to be uſed; and this Law is no other than the *publick Good.*

The Rule of judging Vertue and Vice, is the ſame in Policy as in Morality, in whole Societies, as in every individual Perſon: *Man* is always criminal, when he acts according to his own Will, which only acts in Conformity to himſelf, or for his own private Advantage: He is always vertuous, when his Will is regulated by the love of the Univerſal Good, the Good of himſelf, and all other reaſonable Beings. So in Policy, Princes can never err when they act by no other Law than the publick Good; but every Sovereign, who acts only for his own Self-Intereſt, without any regard to the general Good of Society, is a *Tyrant.*

Sovereigns

Sovereigns have no Judges upon Earth above them, ſo as to puniſh them, but they have always a Law above them, in order to regulate them. 'To whom, *ſays* PLUTARCH, (*a*) 'can the Prince be ſubject? I anſwer, 'That he is ſubject to this living Law. 'which PINDAR calls the King of 'Mortals and Immortals, which is 'not wrote in Books, nor graved on 'Copper Tables, becauſe it is no o-'ther than *Reaſon*, which always dwells 'within him, and conſtantly obſerves 'him, and never leaves his Mind in 'Independency. From whence it fol-'lows,

1. Sovereigns have no other Right over the Actions of their Subjects, than as they regard the publick Good of Society, and the Advantage of the Nation; they have no Right over the Liberty of the Mind, or the Will of the Subjects; their Power only extends its ſelf to outward Actions: No Sovereign can, for Example, require the interior Faith of his Subjects on the

(*a*) *Plutarch* de Principe Indocto.

account of Religion; he may hinder the publick Exercise of it, or the open Profession of certain Forms, Opinions, or Ceremonies, which disturb the Peace of the Nation, through the Diversity and Multiplicity of Sectaries: But his Authority goes no further: It belongs to the Ecclesiastical Powers, established by GOD, whose Duty it is, to instruct the Nation, by perswading and convincing Arguments, that GOD hath added to the Law natural, a Law supernatural; and that Subjects should be left to their perfect Liberty to examine every one for himself, the Authority and Motives of the Credibility of this Revelation. 'Religion comes 'from GOD, *as a celebrated Author says* (*b*). 'It is above Kings; if Kings intermeddle with Religion, instead of protecting it, they bring it into Subjection.

2. Sovereigns have no Right over the Persons of their Subjects, but only as far as is necessary for the publick Good: Sovereignty immediately derives

(*b*) Telem. *last Edit. Book* XXIII.

rives its Authority from GOD: Its Rights ſhould never be contrary to the Deſigns for which GOD gave them. GOD doth not give Sovereignty, to be an Executrix of Injuſtice, Violence, Cruelty, and all other bruti ſh and inhuman Paſſions of barbarous and ambitious Princes. It is He only which hath a Right over the Lives of his Creatures; He hath communicated this Right, only for the Preſervation of Order, and preventing the Violation of the Laws; therefore no Sovereign ought to take away the Life of any of his Subjects, unleſs they are convicted by the ſame Laws which they have violated: This is what is called the *Liberty of the Subject*, which ought to be ſacred and inviolable among Princes.

3. Sovereigns have no Right over the particular Goods of their Subjects, but only ſo far as is neceſſary for the *publick Good*. The Hereditary Right of Lands, and that of Crowns, being founded upon the ſame Principles, therefore to deſtroy the one, is to attack the other, and this is what is called the Right of *Property*.

When the publick Good requires it, Sovereigns may puniſh the Actions, ſacrifice the Perſons, and ſeize upon the Goods of particular Perſons, becauſe the Liberty, Preſervation, and publick Good of Society ought to be preferr'd to the Liberty, Preſervation, and particular Property of one or more Subjects. Sovereigns are only the Preſervers of the Laws, the Executors of Juſtice, the Fathers and Guardians of the People: Every Action which is not a neceſſary Conſequence of theſe Qualities, is an Abuſe of Sovereign Authority: Every Law which is made, every War which is declared, and every Tax which is levied, with any other View than that of the publick Good, is a Violation of the eſſential Rights of Humanity. All Men being of one and the ſame Species, Members of one and the ſame Commonwealth, and of one and the ſame Family; no one can, by any manner of Right, whether inherent or communicative, deprive Men of their Being, or their Well-being, without it be abſolutely neceſſary for the common Good of Society.

But

But ſince it is abſolutely neceſſary for the Repoſe and Preſervation of Society, that there ſhould be a Judge in the *dernier Reſſort*, of thoſe Things, which the publick Good requires; ſo it is as neceſſary, that the Depoſitaries of the Supreme Authority ſhould ſovereignly determine therein, without which, by endeavouring to guard our ſelves againſt the Corruptions of Authority, we ſhould deſtroy every fixed Principle of Authority, and ſo fall into Anarchy, the greateſt of all Evils, without any manner of Compariſon.

Thus are the Rights of Sovereignty neceſſary to hinder the Abuſes of Society. Thus are the Boundaries of Sovereignty neceſſary to hinder the Abuſes of Authority. For the Preſervation of Order, it is neceſſary that Men ſhould be ſubject to Men, tho' weak, fallible, and overcome with innumerable Paſſions. It is therefore impoſſible to chuſe any Form of Government which is not expoſed to a thouſand Miſchiefs and Inconveniencies. By endeavouring to avoid the frightful Evils of Anarchy, we run the riſque of falling into Slavery.

Slavery. By living without any manner of Government, we may become ſavage. In living under Government, we may become Slaves. Sad State of humane Nature! but wiſe Eſtabliſhment of Providence, in freeing us from this Life, and making us aſpire to another, where Man is no more ſubject to Man, but to the *Sovereign Reaſon.*

CHAP. XII.

Of the different Forms of Governments.

THE Deſign of all wiſe Legiſlators, and the End of all the different Syſtems of Policy, have been to regulate the Sovereign Authority after ſuch a manner, that it may equally avoid theſe two Inconveniencies, *viz.* the arbitrary Power of Anarchy, and the deſpotick Power of Sovereigns, or that of the Populace.

Some have imagin'd, that Sovereignty is a Treaſure too vaſt to be truſted with a ſingle Perſon: Others have thought, that it is a Treaſure too precious

cious to leave to the diſpoſal of the Multitude: Some have conceived, that the Heads of the People are the moſt proper to be Guardians of it: Others in ſhort are perſuaded, that it muſt be divided between the King, Lords and Commons. Theſe are the Springs of all thoſe Forms of Government to which the World has diſtinguiſhed by the various Names of *Democratical*, *Ariſtocratical*, *Monarchical*, and *mixed Governments*.

Democratical or Popular Government, is not that where every particular Perſon hath a deliberative Voice, and an equal Power in the Government, that is impoſſible and abſurd: Popular Government, is that where the People ſubmit themſelves to a certain Number of Magiſtrates, whom they have a right to chooſe and change when they are not content with their Adminiſtration.

Ariſtocratical Government, is that where the Sovereign Authority is committed to a ſupream and laſting Council; ſo that the Senate alone hath the Right of chooſing their own Members,

bers, when they become vacant by Death, or otherwiſe.

Monarchical Government, is that where the Sovereignty entirely reſides in one ſingle Perſon. In every Nation where the Prince is ſubject to the Judgments of a Council, and anſwerable to others for his Conduct, the Government is not Monarchical, nor doth the Sovereignty reſide in one ſingle Perſon.

Nothing is more curious, for thoſe who would compare the Inconveniencies and Advantages of theſe three Sorts of Government, than that which we read in the Father of Hiſtorians HERODOTUS: He tells us what paſſed in the Council of the ſeven Grandees of *Perſia*, when they were for eſtabliſhing a new Form of Government after the Death of CAMBYSES, and the Puniſhment of MAGUS, who had uſurped the Throne, under Pretence of being SMERDIS, the Son of CYRUS.

OTANES was of Opinion, that *Perſia* ſhould be made into a Commonwealth, and ſpoke after this manner:

ner: 'I do not think that the Go-
'vernment is to be truſted in the
'Hands of a ſingle Perſon; you know
'very well to what Exceſſes CAM-
'BYSES carried it, and to what a
'degree of Inſolence we have ſeen
'MAGUS exceed it: therefore how
'can the State be well governed by a
'Monarchy, where one ſingle Perſon
'is allowed to do every thing accor-
'ding to his own Fancy? An Autho-
'rity without any Bridle, may eaſily
'deceive the moſt virtuous, and ſtrip
'him of his beſt Qualities.

'Envy and Inſolence, bear away
'Riches and Proſperity; and all other
'Vices flow from theſe two, when a
'a Perſon is Maſter of every thing.
'Kings commonly hate honeſt Peo-
'ple, who oppoſe their unjuſt De-
'ſigns; but they careſs the wicked,
'who favour them: A ſingle Man
'cannot ſee every thing with his own
'Eyes; he oftens hears lying Reports
'and falſe Accuſations; — he over-
'throws the Laws and Cuſtoms of
'Countries; he attacks the Honour of
'Wives; he cauſes the Innocent to

'die

'die by his own Caprice and Power. 'When the Multitude have the Go. 'vernment in their Hands, the Equa. 'lity which there is among the Citi. 'zens, prevents all thoſe Miſchiefs; 'the Magiſtrates are elected by Votes 'or by Lots; they render an Ac. 'count of their Adminiſtration; and 'make all their Reſolutions in com. 'mon. It is my Advice therefore, 'that we reject Monarchy, and intro. 'duce popular Government, becauſe 'we can more probably find all things 'beneficial in the Hands of many Per. 'ſons, than in one ſingle Man.

This was the Opinion of OTANES: but MAGABYSES ſpoke thus in favour of *Ariſtocracy*.

'I approve, *ſays he*, the Sentiments 'of OTANES, to extirpate Monar. 'chy; but I believe that he hath not 'taken the right Way, by perſwading 'us to leave the Government to the 'Direction of the Multitude; for it is 'certain, that nothing can be imagi. 'ned leſs wiſe, and more inſolent 'than the Populace: For what Reaſon 'would he withdraw himſelf from the

'Power

'Power of a ſingle Perſon, to abandon himſelf to the Tyranny of a blind and diſorderly Multitude! If a King undertakes any conſiderable Enterprize, he is capable of hearkening to the Counſels of others: But the People are like a blind Monſter, who have neither Reaſon, nor Capacity; they know neither good Manners, Virtue, nor their own Intereſts; they do every thing with Precipitation, without Judgment, and without Order; like a mighty Torrent which runs with that Swiftneſs, as knows no Boundaries! If any one therefore deſires the Ruin of the *Perſians*, let Popular Government be eſtabliſhed amongſt them: for my part, I am of Opinion, that we ought to make choice of ſome Honeſt and Virtuous Perſons, that the Government and the Power may be put into their Hands.'

Such were the Sentiments of MAGABYSES, after whom DARIUS ſpoke in theſe Terms.

'I think that there is much Juſtice in the Diſcourſe of MAGABYSES, againſt

'againſt Popular Government; but 'yet, methinks all the Reaſon in the 'World, is not on his Side, when he 'would prefer the Government of 'a ſmall number of Perſons, before 'Monarchy. It is poſitively true, 'that nothing can be imagined better 'or more perfect, than the Government 'of one ſingle and virtuous Perſon. 'Beſides, when one ſingle Perſon is 'Governour; it is very difficult for his 'Enemies to diſcover his ſecret Coun-'ſels and Enterpriſes. But when the 'Government is in the Hands of many 'Perſons, it is impoſſible to prevent 'the Hatred and Enmity which com-'monly takes Root amongſt them; for 'as every one would be for eſtabliſh-'ing his own Opinion, in a ſhort time 'they would become Enemies to each 'other. Emulation and Jealouſy will 'divide them, and then their Hatred 'is carried even to Exceſs; from 'thence ſpring Seditions, from Sedi-'tions, Murders, and in fine, from 'Blood and Murder there inſenſibly 'ſprings up Monarchy. Thus Go-'vernment always falls into the

'Hands

'Hands of a ſingle Perſon. In a Popular State, it is impoſſible but there 'muſt be much Corruption and Malice. It is true, that Equality engenders no Hatred; but foments Friendſhip amongſt wicked Men, who 'maintain one another, until ſome one 'of them, makes himſelf very conſiderable with the People, ſo as to 'gain Authority over the Multitude; 'he diſcovers their Plots, and ſees 'through their Perfidiouſneſs: Then 'this Man makes himſelf truly a Monarch, and from thence it may be 'acknowledged that Monarchy is the 'moſt Natural Government; ſince 'the Seditions of ARISTOCRACY, 'and the Corruptions of DEMOCRACY, cauſe us equally to return 'to the Unity of the Supreme Power 'in one Perſon.'

The Opinion of DARIUS was approved, and the Government of PERSIA became *Monarchical*.

We may conclude from the Diſcourſes of theſe Sages of Antiquity, that all the different Forms of Government are ſubject to the ſame Abuſes of

of the Sovereign Authority. These Abuſes are not found altogether in the Government of a ſingle Perſon; the *Ephori* of *Sparta*, the *Decem Viri* of *Rome*, and the *Suffetes* of *Carthage*, were no leſs cruel and barbarous than NERO and CALIGULA. The Democracy of *Athens*, after LYSANDER, when the thirty Tyrants, which he had eſtabliſhed, had aſſociated to their Council three thouſand more, (*a*) is ſuch a Tyranny, which ſhocks Humanity, and a Maſſacre continually before our Eyes of the beſt Citizens and Subjects. The Treatment which the ſame Common-wealth gave to MILTIADES, ARISTIDES THEMISTOCLES and PERICLES, their beſt Generals, and moſt faithful Friends, denotes how far the furious and blind People may be tyrannical.

Factions, Cabals, Intrigues, and Elections, very often, if not always, render the Government of the People as Uujuſt, Violent, and Deſpotick, as that

(*a*) Xenephon de Rebus Græcis.

that of the moſt Arbitrary Monarch. We muſt certainly be ignorant of Humane Nature, and be ignorant in all Hiſtory, not to know, that whole Societies are ſubject to the ſame Caprice, the ſame Miſtakes, and the ſame Paſſions as ſingle Perſons.

But in Popular Government, every one hopes to be a Tyrant in his turn, according as he influences his Admirers. The Deſpotiſm of a ſingle Man, is, without doubt, a very great Evil; but Anarchy it ſtill a much greater.

Many have thought that the only Means of finding a Medium between theſe two Extreams, would be a mixed Government; or the Diviſion of the Sovereignty, between the King, Lords, and Commons; that is, between a ſingle Perſon, many Perſons, and the whole Multitude; to the End, that theſe Powers being balanc'd by each other, they may always remain in a juſt *Equilibrium*.

Nothing appears more beautiful in the Theory, than this Mixture of Powers; and nothing would be more uſeful in the Practice, if they could pre-

preſerve their Harmony! But the dividing of the Sovereignty, far from making a Balance of the Powers, often cauſes perpetual Strugglings and Conflicts, even until one of them overcomes the other two, and ſo reduces every thing into Deſpotiſm or Anarchy.

The Revolutions of the Commonwealth of *Rome*, and thoſe of *England*, will furniſh us with bright Examples of this Truth, and which we are now going to examine.

CHAP. XIII.

Of the Government of the Commonwealth of Rome.

THE firſt Government of antient *Rome* was Monarchy, moderated by the Authority of a fixed Senate, whoſe Members were laſting and not elective.

ROMULUS choſe an hundred Fathers of Families for to make his Sovereign

vereign Council, and made alſo a Diſtinction between the *Patricians* and *Plebeians*.

During the firſt two hundred Years, which the Monarchy laſted, the People had very little Authority in Publick Deliberations; the exaſperated Deſpotiſm of TARQUIN *the Proud*, having render'd Royalty inſupportable to the *Romans*, they took up Arms againſt this Prince, drove him out of the Kingdom, and changed the Form of Government.

The Royal Authority being aboliſhed, Conſular Power was ſubſtituted in its Place. The firſt Conſuls had the ſame Rights, and the ſame Marks of Honour as Kings, with this Difference only, that their Power was Annual, and that of the Sovereignty was divided between two equal Magiſtrates; to the end, that the Authority of the one ſhould hinder the Exceſſes of the other.

The Conſular Power was diminiſh'd even in its very Origin; VALERIUS, ſurnamed PEPLICOLA, being ſuſpected by the People, and fearing the

their Fury, he aſſembled the Multitude, and by his courteous and humble Behaviour he laid before them the *Faſces*, or Bundle of Rods, (a Mark of the Sovereign Authority) and eſtabliſhed by a Law, that Magiſtrates ſhould be choſen for the People, and that he would judge the moſt important Affairs in the *dernier reſſort*.

It cannot be denied, but that the Obſtinacy, Ambition, and Avarice of Great Men, often gave occaſion to Civil Diſſentions; but when the People once threw off the Yoke of Sovereign Authority, they knew no Boundaries, and, under a Pretence of Liberty, they threw every thing into Confuſion, which drew on the Deſtruction of the State, which we are now going to inquire into.

Rome had no more a Sovereign Power, diſtinct from the Nobility and the People, which held both the one and the other in a juſt Equilibrium by its ſupreme Authority, the *Patricians* having treated the *Plebeians* with the utmoſt Rigour, even with Stripes and Impriſonment of thoſe who were not

able to pay their Debts; this barbarous Cruelty of the Nobles, made the *Roman* People deſperate.

The Enemy being ready to enter *Rome*, whilſt ſhe was thus divided, the common Danger for ſome time ſuſpended theſe domeſtick Troubles: But they began again, ſo ſoon as the Enemy was vanquiſhed, and ended in the famous Retreat of the *ſacred Mount*, from whence the People ſwore they would never return, unleſs they had their proper Magiſtrates granted them, which were called *Tribunes*, for to defend them againſt the Oppreſſion of the Nobles. This is what ſowed the Seeds of eternal Diſcord in *Rome*, and cauſed a continual Conflict between the oppoſite Powers of the Commonwealth.

The *Tribunes* ſought nothing more than gaining Credit in the Multitude by Flattery, and Pretenſions of Zeal for the Liberty and Rights of the People. Thus theſe Artiſts in Diſcord, made every Day ſome new Propoſition in order to leſſen the Authority of the Senate, to confound the Ranks and Orders

of Men, and to leſſen the ſupreme Power.

They began at firſt, to take upon them the Power of calling together Aſſemblies of the People; and making themſelves both Accuſers and Judges of the Nobles. CORIOLANUS was the firſt whom they attacked; and the Conſequences of their Attempt againſt this Patrician, would have been fatal to the Commonwealth, if the *Roman* Ladies had not come to the ſuccour of the Country, by appeaſing the Rage of this provok'd General.

The *Tribunes* were afterwards for eſtabliſhing an Equality; and under Pretence of reforming the Laws, they propoſed an Embaſſy into *Greece*, in order to ſearch into the Conſtitutions of all the Cities of that Country, but eſpecially the Laws of SOLON, which were at that time the moſt popular.

They made a Collection of them; and thoſe Laws, called *the Twelve Tables*, having been eſtabliſhed, Ten Men were choſen to be the Interpreters and Guardians of them; and there was no Appeal from their Judgment. This new

new Form of Government was not of long Continuance: the Liberty and Tyranny of these Men, which were called the *Decem Viri*, caused their Destruction; and the supreme Authority soon after this, was put into the Hands of *Consuls*.

These Consuls being altogether popular, they made a Law, wherein it was established, that for the Future, no Magistrate should be created, without appealing to the People.

The *Tribunes* in order to obtain their Design, which was to seize upon the Legislative Power, aspired to the *Consulate*, preserv'd even 'till then in its primitive Order; the Law for admitting them is proposed: rather than saluting or courting the Consular Dignity; the *Fathers* consent to the Creation of three new Magistrates, who had the Authority of Consuls, under the Name of *Military Tribunes*, and the People are admitted to this Honour.

The *Tribunes* not content with this, are continually pursuing their Designs; and for the better obtaining them, the Law of Marriage with the *Plebeians* is

publiſhed by the *Tribunes* of the People, notwithſtanding the Contradictions of the *Senate*. The Tears of a noble Lady who had eſpouſed a certain *Plebeian*, carried with them at that time, ſuch moving Eloquence, that all the Factions and Cabals of the *Tribunes*, could not obtain ſuch Power. The Weakneſs of the Fair Sex does often greater Things in Policy, than the Talents of the greateſt Genius.

Very ſoon after this, Ranks and Degrees were confounded. The Honours of the *Conſulate*, even of the Dictatorſhip, and all Magiſtracy, whether of the *State*, or the *Preiſthood*, became common to two Orders.

This Uſurpation over the Authority of the Nobles, was of a fatal Conſequence, becauſe it often hindred the *Roman* Armies from having the moſt expert and able Generals. The *Conſuls* could neither make two *Patricians*, nor two *Plebeians*: it often happened that Elections were carried by Favour; and he who was deſirous of being choſen for his Merit, would find himſelf excluded, either by the Oppoſition of

the People, or the Intrigues of the Senate.

Magiſtracy being common with the People, they alſo became ſupreme Legiſlators. They were no more a People ſubject to Laws and Magiſtrates. They not only diſpite the Right of making Laws with the Senate; but in diſpite of this ſupreme Council, they make Laws for themſelves, and put themſelves in Poſſeſſion of all the Privileges and Marks of the Sovereignty. The Method of making Laws was entirely overthrown: The Senate had a Cuſtom of confirming the *Plebiſcites*: But then the People attributed to themſelves the Power of confirming or rejecting the *Senatus-Conſultes*.

This Diſorder was followed by another more great, which was that the People changed and multiplied the Laws, according to their own Caprice. 'Good Ordinances, *ſays* TACITUS, '(*a*) ended with the Twelve Tables: 'from that Time, Laws were moſt 'commonly eſtabliſhed by Violence,

(*a*) *Tacit.* Annal. *Lib.* 3. *Cap.* 28.

‘ becauſe of the Differences between
‘ the People and the Senate.— The
‘ unbridled Liberty of the *Tribunes*, al-
‘ ways ſpirited up the People, in or-
‘ der to make them paſs their Decrees;
‘ and then they made as many Laws
‘ as they had Perſons to accuſe: ſo that
‘ the whole Commonwealth being cor-
‘ rupted, the Laws were multiplied to
‘ Infinity.

In fine, the Confirmation of the *Agrarian Law*, which was the Source of perpetual Diſcords for more than two hundred Years, brought the Ruin of the Senatorial Authority, and ſuch a Corruption among the People, that the true *Roman* Genius was no more to be found.

Nothing appeared more Juſt or Reaſonable, according to the ancient Cuſtoms of the Commonwealth, than in the firſt Times: When the *Romans* had gained any conſiderable Victory over their Enemys, they ſold Part of the conquered Lands, for to indemnify the State from the Expences of the War, and diſtributed the other Part unſold, to the poor *Plebeians* who were lately eſtabliſhed at *Rome*.

The

The covetous *Patricians* by degrees aboliſhed this Cuſtom; and the greateſt Lands became, in Proceſs of Time, the Patrimony of the Nobles.

After the Aggrandizement of the Commonwealth, it was then impoſſible to obſerve the *Agrarian Law*, without ruining the firſt Families, and cauſing infinite Law-Suits: Equality of Riches might be agreeable to the Citizens of growing *Rome*; but after ſhe became Miſtreſs of the World, Diſtinctions of Ranks and Qualities became neceſſary; and the long Poſſeſſion of Lands was a Right by Preſcription: they could make no Diviſion of Lands without overturning all Subordination, and blowing the Coals of Diſcord.

Beſides, the moſt wiſe and diſintereſted Senators oppoſed this *Agrarian Law* for more then two Centuries; perceiving that the Riches of the Citizens would introduce Luxury, and ſoften a People whoſe Strength conſiſted in their Temperance. In the firſt Times of the Commonwealth, the *Conſuls* and *Senators* gloried in their Poverty, which was never in ſo much Honour in any

other Country. Dictators taken from the *Plow*, reſum'd the *Plow* again, after they had gained Victories. The Antient *Romans* were great Examples of Temperance.

But the *Tribunes* who were for ſtretching Popular Power, by increaſing the Riches of the *Plebeians*, and confounding all Ranks of Men, never left their Intrigues, until this Law was eſtabliſhed.

Luxury having prevailed in *Rome*, Ambition, the Love of Independency, and the Spirit of Rebellion, triumph under the ſpatious Name of Liberty. Cabals and Violence do every thing in *Rome*. The Love of the Country, and Regard to the Laws are quite extinguiſhed there.

'Tis thus that *Rome*, through an extravagant Deſire of Liberty, ſaw Diſcord ſpread itſelf in every Order: The *Plebeians* feared the Authority of the *Patricians*, as a Tyranny which would ruin Liberty: And the Senators dreaded Popular Authority, as ſuch an Irregularity as would reduce every thing into Anarchy. Between theſe two Extreams,

treams, a People in all other Matters very wiſe, could find no Medium.

From the Eſtabliſhment of the *Tribunes*, there is no more any conſtant Form of Government to be ſeen in *Rome*; the People continually change the Magiſtracy; the Commonwealth labours under violent Agitations, and is without ceaſing torn in Pieces by Civil Wars. The Senate can find no better Remedy againſt theſe inteſtine Diviſions, than continual Inventions of making Wars abroad; and theſe Wars prevented Domeſtick Diſſentions from being carried to Extremity.

During the Conqueſt of *Italy*, *Ciſelpina Gallia*, and the *Punique Wars*, there is not to be ſeen in *Rome* any Bloodſhed by Civil Wars. But ſo ſoon as ſhe became Miſtreſs of the World, and had nothing to fear from without, ſhe begins to deſtroy herſelf. Ambitious Pretenders think upon nothing but flattering the Nobles on one ſide, and the People on the other; Diviſion increaſes without Remedy, and Civil Wars never ceaſe till every thing ends in Monarchy; but the moſt dangerous of Monarchies, that

is

is to ſay Deſpotical, and without any Rule of Succeſſion, where Empire would continually be ſubject to the Violence of an Army, who would ſeize upon the Sovereignty, and give themſelves Maſters, according to their own Will and Pleaſure.

This is exactly what was foretold by Polibius, that moſt excellent Hiſtorian and Politician. This Author had a great Idea of the *Roman* Commonwealth whilſt the Senate had not loſt its Authority; but as ſoon as he ſaw Diviſions, and the Popular Spirit take Place, he foretold every thing which happen'd. (*a*) 'After a Commonwealth, *ſaith* 'this *Hiſtorian*, hath overcome great 'Dangers, and is arrived to a Power 'which none can diſpute, ambitious Per'ſons ſeize upon the Magiſtracy. When 'theſe Evils are once increaſed, the 'beginning of its Deſtruction will pro'ceed from the Honours which ſhall 'be perſued through Factions and Ca'bals. Then the People burning with 'Rage, will follow only the Counſels

(*a*) Polyb. *Lib.* 6. de Rep. Rom.

'which this Paſſion ſhall inſpire them 'with; they will no more obey Magi-'ſtrates, but will attribute all Power 'to themſelves. Thus the Common-'wealth having changed its Face, will 'in appearance change it for the better, 'and take an illuſtrious Name to it-'ſelf, I mean that of Liberty and Po-'pular Power: But this will be no o-'ther in effect than the Government of 'a blind Multitude, which is without 'doubt the greateſt of all Evils.

Thus the moſt warlike and illuſtri-ous Commonwealth in the World, hath been ruin'd by too great an Increaſe of popular Power. Let us approach our own Times, and ſee if *England* hath taken any Warning, or made any Ad-vantages from the Misfortunes of anti-ent *Rome*.

CHAP. XIV.

Of the Government of England, *and the different Forms which it hath had.*

BEfore CLAUDIUS the *Roman* Emperor had made *Great Britain* a Province of the Empire, this Iſland was divided into many ſmall States, the greateſt Part of which had particular Kings or Lords.

England was more than 400 Years under the Government of the *Romans*, who in the end, were forced to abandon it, and recal their Troops, to oppoſe the Invaſions of the Northern Nations, who had begun to diſmember this Grand Empire. *Great Britain* being then deſtitute of Succours from *Rome*, the *Picts* and the *Caledonians*, ſince called *Scotch*, ſpringing from their barren and ſcraggy Mountains, began to attack the Southern Provinces of this Iſland. In order to ſtop the Invaſion of theſe fierce Mountaineers, the *Britains* had recourſe to the *Angles*, a *Saxon* Nation,

Nation, who drove out the *Scotch*, and then eſtabliſhed themſelves in the Iſland: they called it by the Name of *England*, and divided it into Seven Kingdoms, which were all reunited 400 Years after, under the Government of EGBERT King of the *Weſt-Saxons*

In the Year 1066, WILLIAM *Duke of Normandy*, called the Conqueror, claimed the Crown of *England* by the laſt Will and Teſtament of *King* EDWARD *the Confeſſor*. This Prince having made himſelf Maſter of the Kingdom, he treated it as a conquered Country; he eſtabliſhed a deſpotick and abſolute Government therein; he deſtributed a great Part of the Lands of *England* to *Norman* and *French* Families, who had followed him in his Expedition; he attributed to himſelf the Primitive Demaine of Lands; he charged all round his Dominions with annual Rents or Services, and made them pay an Acknowledgment at the Death of every Tenant, or landed Man; and made other Diſpoſitions, which render'd him more a Proprietor than even the Poſſeſſors of Lands themſelves.

The

CHAP. XIV.

Of the Government of England, *and the different Forms which it hath had.*

BEfore CLAUDIUS the *Roman* Emperor had made *Great Britain* a Province of the Empire, this Iſland was divided into many ſmall States, the greateſt Part of which had particular Kings or Lords.

England was more than 400 Years under the Government of the *Romans*, who in the end, were forced to abandon it, and recal their Troops, to oppoſe the Invaſions of the Northern Nations, who had begun to diſmember this Grand Empire. *Great Britain* being then deſtitute of Succours from *Rome*, the *Picts* and the *Caledonians*, ſince called *Scotch*, ſpringing from their barren and ſcraggy Mountains, began to attack the Southern Provinces of this Iſland. In order to ſtop the Invaſion of theſe fierce Mountaineers, the *Britains* had recourſe to the *Angles*, a *Saxon* Nation,

Nation, who drove out the *Scotch*, and then eſtabliſhed themſelves in the Iſland: they called it by the Name of *England*, and divided it into Seven Kingdoms, which were all reunited 400 Years after, under the Government of EGBERT King of the *Weſt-Saxons*

In the Year 1066, WILLIAM *Duke of Normandy*, called the Conqueror, claimed the Crown of *England* by the laſt Will and Teſtament of *King* EDWARD *the Confeſſor*. This Prince having made himſelf Maſter of the Kingdom, he treated it as a conquered Country; he eſtabliſhed a deſpotick and abſolute Government therein; he deſtributed a great Part of the Lands of *England* to *Norman* and *French* Families, who had followed him in his Expedition; he attributed to himſelf the Primitive Demaine of Lands; he charged all round his Dominions with annual Rents or Services, and made them pay an Acknowledgment at the Death of every Tenant, or landed Man; and made other Diſpoſitions, which render'd him more a Proprietor than even the Poſſeſſors of Lands themſelves.

The

The *Conqueror* left the Crown to WILLIAM RUFUS, (or WILLIAM *the Red*) his Second Son, in Prejudice of his eldeſt Son ROBERT, who made many Attempts to get the Crown for his youngeſt Brother, but unſucceſsfully; for WILLIAM had the Addreſs of gaining the *Norman* and *Engliſh* Lords to his Favour and Intereſts, by promiſing them that he would eſtabliſh the Liberty and Property of his Subjects according to the antient *Saxon* Laws. This was equally pleaſing to the *Norman* and *Engliſh* Lords; for it was the only means of aſſuring to the firſt the Poſſeſſion of thoſe Lands which the Conqueror had given them; aud to the ſecond, thoſe which belonged to them by Birth and Inheritance: But this WILLIAM the Second dies without performing his Promiſes.

HENRY I. his youngeſt Brother, aſcends the Throne; and ROBERT his eldeſt, is excluded again. And for the better ſecuring his Uſurpation, he follows the ſame Steps as WILLIAM RUFUS, and promiſes to put the Government on its antient Footing: He con-

confirms his Promiſe by a Charter, but he executes it no better than his Brother.

During ſome Reigns after, that Charter not having been executed, the Laws eſtabliſhed by the *Conqueror* were confirmed.

In the Year 1215, under the Reign of King JOHN, (ſometimes called JOHN *without Land*) the Archbiſhop of *Canterbury* pretended to retrieve this Charter of HENRY I. King JOHN being covetous, and alſo cruel, continually demanded Subſidies, and eſpecially from the Clergy: The Lords propoſed to him the Eſtabliſhment of their Liberties; he refuſes them, and this Refuſal was the Signal of War. The Barons united in a League, take Arms, and give to their General the Name of, *Marſhal of the Army of GOD, and the Holy Church.* The King was abandoned, and forced to offer them Satisfaction. After ſome Diſcuſſions with the Barons about their Privileges, the King not only confirms them, but adds many more to them, and comprizes them all in an authentick Act, which he

he and the whole Aſſembly unanimouſly ſwore to obſerve.

'Tis this Act which is called the *Grand Charter*. King JOHN regarded his Promiſes no more than his Predeceſſors; he recants from his Oath; and according to the Uſe and Cuſtom of thoſe Times, the POPE declares it void, as having been extorted from him by Violence.

After his Death, King HENRY III. his Son, ſucceeded him; he was but a weak Prince. The *Barons* renewed their former Demands for the Eſtabliſhment of their Privileges; but it happened as it generally doth, whilſt under the Pretence of publick Good they break through the juſt Boundaries of Subordination: The Barons not only require the juſt Execution of thoſe Things which had been ſo often promiſed them; but taking alſo Advantage of the King's Weakneſs, they added many other Demands, which entirely tended to degrade the Royal Dignity, and to put all Authority into the Hands of a ſmall Number of factious

ous Perſons. The King refuſed thoſe Propoſitions as unreaſonable: the Faction takes up Arms under the Conduct of the *Earl of* LEICESTER their General: He was a devout, grave, auſtere, regular Man, a great Speaker of long *Extempore* Prayers, an Hypocrite, or Enthuſiaſt, and perhaps both.

The Royal Army was defeated; the King made Priſoner, with the Prince his Son; the devout Rebel having ſhook off the Yoke of his Sovereign, impoſed his own upon the *Engliſh* Nation: The Rebels did not only think, but they felt it even heavier than that of Kings; and made their Endeavours to ſhake it off. Grand Leſſon for all Lovers of Changes and Revolutions! The Tyranny doth not ceaſe, it only changes its Maſter!

After having many Months held the King in Chains, and the People in Bondage, the Factious divide themſelves, and give Opportunity to Prince EDWARD to eſcape from Priſon, in order to ſet his Father at Liberty, and drive out the Uſurper.

King

he and the whole Aſſembly unanimouſly ſwore to obſerve.

'Tis this Act which is called the *Grand Charter*. King JOHN regarded his Promiſes no more than his Predeceſſors; he recants from his Oath; and according to the Uſe and Cuſtom of thoſe Times, the POPE declares it void, as having been extorted from him by Violence.

After his Death, King HENRY III. his Son, ſucceeded him; he was but a weak Prince. The *Barons* renewed their former Demands for the Eſtabliſhment of their Privileges; but it happened as it generally doth, whilſt under the Pretence of publick Good they break through the juſt Boundaries of Subordination: The Barons not only require the juſt Execution of thoſe Things which had been ſo often promiſed them; but taking alſo Advantage of the King's Weakneſs, they added many other Demands, which entirely tended to degrade the Royal Dignity, and to put all Authority into the Hands of a ſmall Number of factious

ous Perſons. The King refuſed thoſe Propoſitions as unreaſonable: the Faction takes up Arms under the Conduct of the *Earl of* LEICESTER their General: He was a devout, grave, auſtere, regular Man, a great Speaker of long *Extempore* Prayers, an Hypocrite, or Enthuſiaſt, and perhaps both.

The Royal Army was defeated; the King made Priſoner, with the Prince his Son; the devout Rebel having ſhook off the Yoke of his Sovereign, impoſed his own upon the *Engliſh* Nation: The Rebels did not only think, but they felt it even heavier than that of Kings; and made their Endeavours to ſhake it off. Grand Leſſon for all Lovers of Changes and Revolutions! The Tyranny doth not ceaſe, it only changes its Maſter!

After having many Months held the King in Chains, and the People in Bondage, the Factious divide themſelves, and give Opportunity to Prince EDWARD to eſcape from Priſon, in order to ſet his Father at Liberty, and drive out the Uſurper.

King

King HENRY being ſet at Liberty, he confirm'd the *Grand Charter* in a very ſolemn manner. It is this *Grand Charter* which hath been a Pretence to all the Factions which have ſo often troubled *England*. Not that there is any thing in this Charter which diminiſhes the true Prerogatives and Authority of Kings; it contains for the moſt Part only the Laws of EDWARD *the Confeſſor*; and theſe Laws were Privileges granted to the Nation by good Princes, for to ſerve as a Barrier againſt wicked Kings: Theſe Privileges regarded only the Liberty and Property of Subjects, and the Immunity of every extraordinary Tax, without the Conſent of the *Barons*. But the Lovers of Independency make uſe of fine Pretences of Liberty and Property as granted in this Charter, by abuſing it, and attacking the Royal Authority.

(*a*) After the Death of HENRY III. EDWARD I. his Son ſucceeded him. It was under this King's Reign, that Mem-

(*a*) *In the Year* 1280.

Members elected for Counties, &c. ſate in Parliament: His Predeceſſors had from Time to Time called together the Deputies of the People to aſſiſt in the Supream Council: It was the Kings themſelves who named theſe Deputies, and not the People; but it was in their Power to appeal, or not. (a) *King* EDWARD was the firſt who granted the Commons a fixed Seat in Parliament: they were at firſt ſeated in the ſame Chamber with the *Lords Spiritual and Temporal*; afterwards they were placed ſeparately in a Chamber by themſelves: They had at the firſt only a repreſentative Voice, and not a deliberative one, as appears by the *Parliament Rolls* many Years after the Reign of EDWARD I. In all theſe *Rolls*, the Commons always ſpeak to the King as *Supplicants:* they do no more than repreſent the Grievances of the Nation, and pray him to make Laws by the Advice of his Lords Spiritual and Temporal. The general Form

(a) Brady's *Rights of the Commons, from Page* 140 *to* 150.

Form of all the Acts is thus : *Granted or Enacted by the King and the Lords Spiritual and Temporal, according to the Prayers and Supplications of the Commons.*

'Tis for that Reaſon, that even to this very Day, when the King of *England* calls his Parliament, *He commands the Lords to aſſemble themſelves in order to give him Advice : but he orders the Commons to hold themſelves in a Readineſs, in order to ſubmit themſelves to every thing which ſhall be determined by him and his Lords.*

King EDWARD thought (without doubt) by theſe Privileges granted to the Commons, to make a Balance to the great Authority of the Barons which troubled him ; but he deceived himſelf : for the Power of the Commons became more fatal to his Poſterity, than that of the Lords was to his Anceſtors. Popular Power increaſing by Degrees in the Parliament, the fundamental Conſtitution of the *Engliſh* Monarchy was altered, and at length totally overthrown.

It is true, that the Royal Power was preſerved entire, during the Reign of

of this Prince; for we find, that by his proper Authority only he often made Laws without calling his Parliament. (a) It is thus in the Statutes of *Glouceſter*, he attributes to himſelf the ſole Legiſlative Power; and the Form of his Edicts is thus, *Our Sovereign Lord the King hath provided and eſtabliſhed the following Acts.* But after his Death, in the Reign of his Son EDWARD II. the Parliament began to attribute to themſelves the Power of judging and depoſing Princes.

Before thoſe Times, this was a fundamental Maxim of the Common Law of *England*. (b) *That the King hath no other Superior than God. That there is no other Remedy when he doth unjuſt Actions, but to have recourſe to humble Remonſtrances; to the End, that he may redreſs them; and if he will not, it ought to ſuffice, that God will one Day revenge himſelf thereof.* But now we are going to ſee the Overthrowing of theſe Laws. When

(a) *Stat. of* Glouceſter, Anno 1278, 1320.
(b) Bracton, *Lib.* 1. *Cap.* 8. *Lib.* 2. *Cap.* 7. Glanvil, *Lib.* 7. *Cap* 10. *Theſe two Authors wrote above* 500 *Years ſince.*

When the Parliament was about entering their Proceſs againſt King EDWARD II. in order to depoſe him, the Biſhop of *Carliſle* boldly maintained, that Subjects had not any Power to judge their Sovereign, who was the Lord's Anointed: That Remonſtrance obliged them to regard ſome Miſmanagements, and under a Pretence, that the King was too much inclined to his inſolent Miniſters, they engaged him to yield up, by a voluntary Reſignation of his own, a Throne which he could no longer hold with Honour, to his Son. Good King EDWARD (but weak Prince) conſented to his own Depoſal, and was condemned to perpetual Impriſonment, wherein he was privately aſſaſſinated.

King EDWARD III. his Son, carried the Royal Authority, and Glory of the *Engliſh* Sceptre much further than any of his Anceſtors.

Under the Reign of this *Great* EDWARD, the *Lords* and *Commons* declared in full Parliament (*a*) *That they could not*

(*a*) Anno 1369. *Parl.* 42.

not consent to any thing which tended to disinherit the King, tho' the King himself should desire it. (*a*) *That it is High-Treason to plot or contrive the Death of the King, to take up Arms against him, or to adhere to his Enemies.*

Notwithstanding such solemn Laws as these, RICHARD II. his Grandson, was judged and deposed by his Parliament. This Prince being debauched in his Youth, made choice of very bad Ministers; but there never was a Reign wherein the People were more happy, the Nobles more respected, (*b*) nor the Clergy more protected: And tho' the Parliament declar'd some Years before, that always, and by the fundamental Constitution of the Kingdom, *the King of* England *was subject to none but* GOD *only*; yet, however, this illustrious Body entred a Process against their Prince; accused him of many Misdemeanours; deposed him, and condemned him to perpetual Imprisonment, for favouring the Ambition of the Duke of *Lancaster*, who usurped the

(*a*) Anno 1350, *Stat.* 5. *Chap.* 2.
(*b*) Anno 1392. *Parl.* 16. RICH. 2. *Chap.* 5.

the Crown, and reigned by the Name of HENRY IV.

This was the Beginning of the fatal Hatred and Civil Wars between the two Houſes of *York* and *Lancaſter*, which deſolated the Kingdom many Years. This Uſurper, like others, began to flatter the People, in returning them Thanks for his Advancement to the Crown; and acknowledging that he held the ſame from their Conſent and Approbation. As for other things, he was a great Prince, whoſe wiſe and happy Government made *England* flouriſh as much as that of his Son HEN. V. who conquered almoſt all *France*.

After the Houſe of *Lancaſter* had poſſeſſed the Crown for more than ſixty Years, RICHARD Duke of *York*, in the Reign of HEN. VI. Son of HEN. V. preſented to the Houſe of Lords (without addreſſing himſelf to the Lower Houſe) a Memorial, proving his Right to the Crown, as being deſcended from a third Son of EDWARD III. whereas HENRY VI. was only deſcended from a fourth of the ſame King. The Lords at firſt declared the Matter was very nice

nice and difficult, and that they could not judge of the Rights of the Crown, without the Kings Order. HEN. VI. commands them to examine the Dukes Pretenſions; and they declared, that according to the fundamental Law of the Kingdom, the Right of the latter was better than that of the former.

Behold an authentick Act, which proves that the Parliament at that time thought Hereditary Right inalienable; ſince it was acknowledged as the only lawful Right, in thoſe Times when an Uſurper was upon the Throne, and after a Poſſeſſion of more than ſixty Years.

It was determined, that after the Death of HEN. VI. the Crown ſhould go to the Duke of *York*, and his Children. The King and the Duke enraged at each other, raiſe Armies: Civil Wars began between the *Red Roſe and the White*: RICHARD *Duke of York* was ſlain, and his Son crowned King, by the Name of EDWARD IV. HENRY VI. was made Priſoner, but aftetwards ſet at Liberty, and mounted the Throne again: He was after that Depoſed, and in the end,

both he and his Son were Aſſaſſinated.

The Princes of theſe two Houſes continued Rivals, and made War againſt each other many Years. All theſe civil Diſſentions were finally put an end to, by the Marriage of the Duke of *Richmond*, afterwards King HENRY VII. with ELIZABETH, eldeſt Daughter of EDWARD IV. who united in her own Perſon, all the Rights of the Houſe of *York* and *Lancaſter*.

The Uſurpation of the Houſe of *Lancaſter*, gave occaſion to the Diſtinction in ſome Acts of Parliament, of *a King de Facto, and a King de Jure*.

The deſire which each Party had, during theſe Broils, of gaining the Commons, gave opportunity to the Lower Houſe, of breaking down their antient Boundaries, and inlarging their Authority: It was in the Reign of EDWARD IV. that this Houſe firſt began to have a ſhare in the Legiſlative Power; the antient Stile of Acts of Parliament was changed; for inſtead of ſaying as formerly, (a) 'Granted 'accor-

(a) Roll. of Parl. 3 and 4. EDW. 4. N. 39.

'according to the Prayers and Sup-
'plications of the Commons, by the
'King and Lords, *it is ſaid*, Granted
'by the King and the Lords, with
'the Conſent of the Commons.' This Form, however, was not become conſtant or fixed, 'till many years after; for in the Reigns immediately following, the antient Stile was uſed.

King HENRY VII. by his Policy and Valour, being in peaceable Poſſeſſion of the Throne, without any Rival, thought of nothing but filling his Treaſury, and advancing the Royal Power. The Method he took, is very political and remarkable.

Before his Time, Kings and Lords were the ſole Proprietors of Lands, the Peers of the Nation were as ſo many petty Sovereigns, who held ſeparate Courts in their reſpective Counties: they could not alienate the Foundation of their Lands, nor ſell their Manours: The Commons were their Vaſſals; they entirely depended on them; they were obliged to take Arms by their Orders; to ſerve in the Wars under their Conduct; and to appear

in their Train, upon all publick Occaſions.

HENRY VII. in order to leſſen the Power of the Lords, who were always Rivals to the Royal Authority, cauſed his Creatures in Parliament to propoſe an Act, to give leave to the Lords to ſell their Lands and Manours. The Lords, depraved by Luxury, and ruined by Civil Wars, conſent to ſtrip themſelves of their antient Privileges, to get vaſt Sums of Money, which they would draw from the Sale of their Manours; and to ſatisfie alſo the exorbitant Taxes which HENRY VII. impoſed upon them, whoſe Avarice was inſatiable.

By this Sale of Lands and Manours, the Commons became Proprietors, as the People of *Rome* were, by the *Agrarian Law*: but this Proceeding contributed, in the end, to the total Ruin of the Royal as well as the Ariſtocratical Power. The Commons ſeeing themſelves poſſeſſed of Lands, were alſo for having a ſhare in the publick Adminiſtration: We may perceive popular Power inſenſibly increaſing it

ſelf, prevailing in Parliaments, and, by degrees, carrying it ſelf to very great Exceſſes.

HENRY VII. however, after having diminiſhed the Power of the Lords, advanced the Royal Authority. His ſublime Genius, and profound Policy, rendered him a compleat Maſter of his Parliament, and prepared for his Son, HENRY VIII. that abſolute Authority which he exerciſed during his whole Reign.

Under King HENRY VIII. the Supream Independency of the Kings of *England* was confirmed by New Acts of Parliament. (*a*) 'The Kingdom (*ſay theſe Acts*) is an Empire 'governed by a Supream Head. The 'Kings of *England*, their Heirs and 'Succeſſors, have an imperial Au'thority, (*b*) and are not obliged to 'be anſwerable in any Cauſe what'ſoever, to any Superiour; becauſe 'the Kingdom acknowledges no o'ther Superiour under GOD, but the 'King.

(*a*) Parl. 24. *Ch.* 12.
(*b*) Parl. 25. *Ch.* 2.

In the Reign of this ſame King HENRY VIII. began thoſe famous Diſcords about Religion, which filled all *Europe* with Civil Wars and Rebellion. Thoſe Eccleſiaſtical Diviſions cauſed many Civil Diſſentions in *England*: however, there was nothing remarkable that was changed in the Form of Government. It is true, that in the Reign of Queen ELIZABETH, the Members of the Lower Houſe were willing to enlarge their Authority; but that Princeſs, couragious and firm in her Conduct, treated them as Impertinents, and enjoyn'd them to Silence. It appears to me, that the Authority which they enjoy at preſent was but eſtabliſhed in the Reign of K. JAMES I. in the Perſon of whom was united the two Crowns of *England* and *Scotland*.

After this Union, the Parliament began again to confirm Hereditary Right in theſe Terms, 'We acknowledge, as 'we ought to do, according to the Di-'vine and Humane Law, that the 'Kingdom of *England*, and the Im-'perial Crown thereof, belong to the 'King by Hereditary Right of Birth,

'and

'and undoubted Succeſſion; and we 'for ourſelves and Poſterity, for ever 'ſubmit to his Government, even to 'the laſt Drop of our Blood.' This was not an Eſtabliſhment of a new Right, but a ſolemn Acknowledgment of the whole Nation, that Monarchical and Hereditary Government is the Conſtitution of the Kingdom.

JAMES I. a Peaceable King, had very much Complaiſance for his Parliament, in conſulting it not only in Affairs of State, but almoſt in every thing which regarded his Family; condeſcending to the Advice thereof, affecting a great Attention not to wound their Privileges, he requiring but very few extraordinary Subſidies: but in making himſelf thus peaceable ('tis thought) he left to K. CHARLES I. his Son and Succeſſor, thoſe Seeds of famous Diſcord, which have ſince appeared: Two Things contributed to increaſe theſe Troubles, the one drawn from Religion, the other from Policy.

From the Time they began to diſpute about the Forms and Formalities of Religion, *England* was over-run by a

Crowd of Sectaries, whose Systems were quite contrary to each other. Among all these Sectaries there were two principal ones, the one, tho' they shaked off the Yoke of the POPE, yet preserv'd Episcopacy, Hierarchical Subordination, and part of the Ceremonies of the Antient Church: The other overthrew all Hierarchy and Ceremonies, as contrary to Evangelical Purity and Simplicity; and the Ecclesiasticks of these Men were all equal: The former called themselves the *Episcopal Party*; the other, *Presbyterians*: The one were for an *Aristocracy* in the Church, the other for a pure *Democracy*. Politicians took a part in these Quarrels about Religion: those who respected the Royal Authority, declare themselves for the Episcopal Party; and those who loved popular Government, maintained the *Presbyterian* Party. This Division in Religion increased the Civil Dissentions; and the Politicians both of the one and the other Party, serv'd themselves under the Mask of Religion, by amusing the People, and engaging them in their Interests.

King

King CHARLES I. being zealous for Epiſcopacy, and animated by the Archbiſhop of *Canterbury* (LAUD,) he had a Mind to introduce the *Engliſh* Liturgy into *Scotland*, and ſo make the Religion of *Great Britain* uniform. This being the firſt Source of the Civil Wars in his Reign, let us take Notice of the ſecond.

The King being ingaged in a War with the Houſe of *Auſtria*, in order to oblige that Houſe to reſtore the *Palatinate* to his Brother-in-Law FREDERICK, Count *Palatine*, the Parliament had promiſed his Father King JAMES I. neceſſary Supplies for this Enterprize. King CHARLES demanded them; but the Houſe of Commons, who grants Subſidies, refuſed him; for moſt of the Members of that Houſe, being zealous *Presbyterians*, were prejudiced againſt the King, for the Protection which he gave the *Church of* England. The King was obliged to carry on the War at his own Expences; he had recourſe to an antient Maritime Tax, call'd *Ship-Money*, which he had a Right to levy,

according to the Opinion of the beſt Lawyers, who were choſen to examine into that Affair. A particular Member of the Houſe of Commons, whoſe Tax did not exceed twenty *French* Livres, refuſed to pay it; many others of the ſame Houſe followed his Example; and very ſoon after, they gloried in diſputing it with the King: He diſſolved the Parliament three times, and carried on the War for his Brother-in-Law at his own Expence. The Wars abroad ceaſing, *England*, like antient *Rome*, takes up Arms againſt her ſelf.

It was in that Diſpoſition of Mind, that the *Sanguinary Parliament* met in the Year 1640, which overthrew the *Engliſh* Monarchy: they did propoſe many extravagant Articles, to take away the Royal Power: many Members of the Houſe of Lords were aſhamed to be in an Aſſembly where there was ſo much Inſolence uſed againſt their *Sovereign*; they therefore left the Houſe, and went to the King, who was retired to *York*.

King

King CHARLES I. did every thing that was poſſible for him to do, in order to ſtop the Fury of the Anti-Royaliſts, by moderate and very reaſonable Propoſitions; but the Parliament raiſed Troops, and acted by Force; the King appears at the Head of an Army; Civil Wars enſue; CROMWEL, a Man bold, ambitious, and an Hypocrite, ſoon became Maſter of the Parliament Army, which often beat that of the King's, who ſheltered himſelf in *Scotland*: The Republican and Enthuſiaſtical Party of that Nation, baſely and cowardly delivered up the King into the Hands of the *Engliſh*. *Tantum Religio potuit Suadere malorum.*

The King being a Priſoner in the *Iſle of Wight*, was delivered into the Hands of his Barbarous and Rebellious Subjects.

CROMWEL and his Cabal having made themſelves Maſters of the Army, ſoon became ſo alſo of the Parliament, and began to ſpread abroad their whiggiſh Maxims. IRETON, his Son-in-Law, ſpoke thus in the Houſe of Commons: 'The Original Contract between the

'King

'King and People, contains a mutual 'Obligation on the People to obey 'the King; and the King to pro-'tect the People: Our King hath cea-'ſed from protecting us; ſo we are 'diſpenſed from the Submiſſion to 'which we were ingaged by the mu-'tual Contract, which our Forefathers 'made with his Anceſtors'. They propoſed therefore to abjure the King and Monarchy, and to eſtabliſh for the future a Body of Men to repreſent the People, who ſhould govern the Nation in his ſtead.

The Army guarded the Doors of the two Houſes; and becauſe the Houſe of Lords had an Abhorrence of thoſe Propoſitions, the Houſe of Commons declared, that the Power of making Laws belonged only to them, and that they had no occaſion for the conſent of the Lords, the Sovereign Power being originally in the People.

They erected a Tribunal, under the ſpatious Title of *the High Court of Juſtice*, by the Authority of the Commons: The King was brought before this Tribunal, accuſed of Tyranny,

High

High Treaſon, and all the Murders and Violences committed during thoſe Civil Wars; in fine, *the beſt Prince, the beſt Friend, the beſt Husband, and the beſt Maſter*, is condemned to die; and accordingly he is publickly beheaded on a Scaffold made for that Purpoſe: CROMWEL made himſelf abſolute Maſter, under the Name and Title of *Protector of the Commonwealth of England*, and Reigned even till the Day of his Death, after a more Arbitrary and Deſpotick manner, than any Monarch in *Europe*.

RICHARD his Son, having neither the Talents nor Vices of his Father, was ſoon obliged to leave the Kingdom. The *Royaliſts*, who always continued Faithful (tho' in Obſcurity) raiſed up their Heads. CHARLES II. who had been a long time in Exile with his Brother the *Duke of York*, was at length Reſtored, by the univerſal Conſent and Deſire of the Nation, who groaned under the Tyranny of the Uſurper.

The Church and State being eſtabliſhed on the antient Footing, Hereditary

ditary Right was again confirmed; and for preventing the like Revolutions for the future, both Houſes petition the King, and it was Enacted accordingly (*a*) 'That by the Fundamental Laws of *England*, neither 'the Peers of the Realm, nor the 'Commons in Parliament, or out of 'Parliament, nor the People collectively, or repreſentatively, nor any 'other Perſon whatſoever, never had, 'nor ought to have any coercive Authority over the Perſons of the Kings 'of this Realm: That the laſt Civil 'War againſt King CHARLES I. proceeded from a voluntary Error, touching the Supream Authority; and for 'preventing of which for the future, 'and hindering Perſons from being 'ſeduced and drawn into Sedition, 'it is enacted, That whomſoever 'ſhall affirm, that the two Houſes, 'either together or ſeparately, have a 'Legiſlative Power, without the King, 'ſhall be deprived of all his Goods 'and

(*a*) *Parl.* 12. *Ch.* 30. *Parl.* 13. *Ch.* 1. 6 *and* 7 CHARLES. II.

'and Effects. It is moreover declared, That the ſole and Supream 'Government of the Military Forces, 'and every thing which belongs 'thereto, is, and always hath been, the 'according to the Laws of *England*, 'undoubted Right of the King and 'his Predeceſſors, Kings and Queens 'of *England*; and that the two Houſes of Parliament, either together, 'or ſeparately, have no Power, nor 'ought to pretend to any of themſelves; much leſs to make War, either Offenſively, or Defenſively, a'gainſt the King, his Heirs, or Law'ful Succeſſors.

The Anti-Royaliſts ſtill maintain themſelves in Action, and made many Efforts to Aſſaſſinate the King, and Overthrow Monarchy once more. Towards the latter End of this King's Reign, the Commons brought a Bill into the Houſe, in order to deſtroy Hereditary Right, and exclude the *Duke of York*, becauſe of his Religion. The Lords reject this Bill, and the Parliament of *Scotland* meets at *Edinburgh*; and to prevent ſuch Injuſtice, made

made that famous Act of Succeſſion. (*a*) 'It is in this Act, that the Parliament acknowledges, That by the 'Nature of Government, and according to the Fundamental Laws, the 'Crown deſcends and devolves by the 'ſole Right of Succeſſion, in a direct 'Line, and that no difference in Religion, no Law, nor no Act of Parliament 'yet made, or may be made hereafter, can change or alter this Right.

In the Reign of this King, the Acts of Parliament of *England*, and thoſe of *Scotland*, are full of the like Declarations; by which theſe Illuſtrious Bodies acknowledge, 'That the Hereditary Right, and the Supream Independency of their Kings, are, and 'always have been the fundamental 'Laws of the two Kingdoms.' They are no new Laws made by the Authority of a Senate, who pretends to have the Supream Legiſlative Power to change the Laws according to its Will and Pleaſure, but an authentic Teſtimony, which both Nations have pro-

(*a*) Anno 1681.

produced of their Fundamental Laws, and a publick Confirmation of that which hath always been the immutable Eſſence of their Conſtitution.

Notwithſtanding theſe Acts, ſo ſolemn, and Oaths ſo ſacred, the Anti-Royaliſts prevail; King JAMES II. was forced to retire into *France*; Hereditary Right was again overthrown, and WILLIAM Prince of *Orange* was ſoon advanced to the Throne of his Father in-law. * * *

'ſubject but to GOD only; that he is 'not to be judged by any-body; that 'neither the Parliament, nor the Peo-'ple, have any Right of themſelves 'to change the Succeſſion of the 'Crown.' This is the fundamental and primitive Conſtitution of the *Engliſh* Monarchy! By what Authority therefore did * * * * * * *

* * * * * * * * * * *

* * * * * * * * * * *

* * * * * * * * * * *

* * * * * * * * * * *

* * * * * * * * * * *

King WILLIAM III. in order to keep himſelf in the good Graces of the People, yielded up ſome of his Royal Prerogatives; but nothing could put a Stop to a People who had once departed from the eſtabliſhed Point of Subordination. The Carriage of the Houſe of Commons, in ſome Things, became ſo uneaſy to him, that it is thought by ſome Perſons, that he once repented of his having accepted the Crown.

The Hiſtory of what has happened ſince his Death, is too freſh in our Memories to make any Detail thereof. * * *

* * * * * * * * * * * * * * * * * * *

Let us content ourſelves, in making ſome Obſervations upon the *Engliſh* Monarchy, and its different Forms of Government.

1. During the Space of 400 Years, whilſt *England* was divided into ſeven Kingdoms, it was governed by more than an Hundred Kings; the Crown was almoſt all that Time hereditary: We cannot find, that any of theſe hundred Kings were ever depoſed, or put to Death by the Sovereign Council of his Barons. After this Heptarchy (if I may make uſe of this Term) had been united into one ſingle Monarchy, the *Engliſh* Government continued upon the ſame footing: The Fathers of ancient Families, the Grandees of the Kingdom, the Lords Spiritual and Temporal made the Supreme Council of the King; the Government was an *Ariſtocratical* Monarchy: The Lords ſhared with the King in the Legiſlative Power, but they could do nothing without him. This is the eſſential Difference which there always was between

tween the Parliament of *England* and the Senate of *Rome*, (*viz.*) The Senate was the Supreme Power of the Commonwealth; the Conſuls were only Depoſitaries, for a certain Time, of the Authority of the Senators. On the contrary, the Parliament were never otherwiſe than the Supreme Council of the King; he always called them together after an Imperial manner, and diſſolved them in the ſame.

2. Under this Monarchy, moderated by *Ariſtocracy*, the Commons had no Share in the Government. (*a*) The Succeſſion of the Crown was either only Hereditary, or diſpoſed according to the Laſt Will and Teſtament of the dying King, who had no Children, or who ſeeing his Children too young for Government, ſometimes named his Succeſſor before his Death. And tho' the *Saxon* Succeſſion was broke into, during the Space of thirty Years, by three *Daniſh* Kings, who conquered *England* towards the beginning of the tenth

(*a*) BRADY's *Hiſtory of the Succeſſion of the Crown of* England.

tenth Century; yet however, they re-eſtabliſhed the Right of Succeſſion as ſoon as the *Danes* were drove out of *Great Britain*. From the *Norman* Conqueſt to the 49th Year of HENRY III. which was about the Year 1270, the Government was Monarchical and Hereditary, and inclining to *Deſpotiſm*, which excited a Jealouſy in the Nobles againſt their Prince, and was a ſecond Cauſe of Miſtruſt and Jealouſy againſt the Royal Authority. The Deſpotiſm of TARQUIN, and WILLIAM *the Conqueror*, were the Source of all the Miſchiefs in *Rome* and *England*.

3. Let us take Notice however, that whilſt the Sovereign Council was only *Ariſtocratical*, the Fathers of their Country were zealous for its Liberty; they fell out, indeed, ſometimes with the King, upon the Subject of the *Grand Charter*, and reſiſted Arbitrary Power; but without going out of their juſt Boundaries. We cannot find Parliaments abuſing their Princes, diſinheriting them, or putting them to Death. A falſe Devotee and ambitious Hypocrite uſurped the Crown, but the Sovereign Coun-

Council of the Kingdom had no Share in it; the King and his Sons were made Captives: But it was not thought convenient, in thoſe Times, to judge their Sovereign, or put him to Death.

4. Every thing began to change Countenance ſo ſoon as the *Commons* became part of the Parliament; the Authority of the King and his Nobles decreaſe, popular Aſſemblies ſnatch the Power into their own Hands; and by Degrees, the Deſpotick Power of the People becomes abſolute; the Houſe of Commons of *England* took the ſame Steps as the Tribunes of *Rome*. A ſhort Time after the Erection of this Lower Houſe, the Parliament began not only to depoſe the King, but obliged him to deliver up his Crown to his Son; hereditary Right is not yet thrown off, nor violated: But in the following Century, the King is accuſed as a Criminal, and depoſed by the Authority of his Parliament, but without preſuming, as yet, to put him publickly to Death: Hereditary Right is ſuſpended, and the Crown given to an Uſurper.

At length, in the laſt Century, the Parliament: became altogether a Republick. Its *Democratical* Party ſeparate themſelves from the *Ariſtocratical*, and uſurp the Sovereign Authority, and both are for acting after a manner independent of the Royal Power, by undermining the Foundation of their Conſtitution: The Commons prevail, and uſurp not only the Power of the Lords, but alſo of the King himſelf, whom they depoſe, and condemn to be beheaded as a Criminal; and this is done by the very Dregs of the People.

5. Since popular Aſſemblies have had the Legiſlative Power in their Hands, the Laws have been multiplied to Infinity, and thoſe Laws are often contradictory to each other; 'tis not altogether as in *France*, where the different Provinces hold their antient Cuſtoms, which they had before they fell under the Dominion of one Monarch.

In *England*, ſince the fixed Principle of Subordination hath been ſhaken, there hath been no conſtant keeping cloſe to the fundamental Laws; according as different Parties prevail in Par-

Parliament, they make Laws oppoſite to each other: Oaths are enjoined, which by Variation, or different Conſtruction, are turn'd into Perjury; and by the Violence which each Party acts with, by Turns, the contending Parties who diſpute for the Superiority, ſtrive to ſeek out a proper Perſon, according to their own Inclination, and theſe Parties every Day differ in their Views, Intereſts, and Maxims. In theſe Aſſemblies it cannot be imagined, that Factions can be reduced to regular Claſſes, or that they can act by fixed or eſtabliſhed Principles: They want the Unity of the Supreme Power; they break and divide themſelves into as many Parties, as there are bold and daring Heads to lead the different Factions, which tend all to the ſame End, which is to invade Authority.

The Diviſions and Sub-diviſions of the *Whigs* and *Tories* multiply daily; there are often five or ſix different Sorts of *Whigs* and *Tories*: Beſides, the Heads of theſe different Parties often change their Principles; the *Whigs* become *Tories*, and the *Tories* become *Whigs*, according

cording to their Intereſts. When the Royal Authority favours any Party, their Heads, or Chiefs, are Royaliſts, and are for advancing the Royal Prerogatives; but when Kings oppoſe theſe Chiefs, then they become *Whigs* and *Republicans*, and are for demoliſhing the Royal Power.

At the Election of Members of every New Parliament, there is ſcarce any thing to be ſeen in the ſeveral Counties and Boroughs, but Cabals, Hatred, Diviſion, and Deceit; *Whigs* and *Tories*, Republicans and Royaliſts, Lovers of Independency and Deſpotiſm, Courtiers, and Creatures of the People: All theſe different Factions cauſe ſuch a Motion in People's Spirits, that methinks, the grand Body Politick labours under Convulſions; and that *Great Britain*, at every New Parliament, is thrown into a violent Fever.

This is not all, for when the Members are elected, come to Town, and aſſembled in Parliament, Factions revive, and Cabals are renewed: Some who occupy the beſt Places in the Government, are made uſe of to corrupt

Members of Parliament, with *Money*, *Places*, or Favours, which are to be diſpoſed of: There ſometimes may be ſeen in ſome tumultuous and popular Aſſemblies, four or five Men, who carry every thing before them by *Cabals* and *Intrigues*: So that a Repreſentative forgetting the Intereſts of thoſe who choſe him, by buſying himſelf only with that Party to whom he hath ſold himſelf, acts quite contrary to the Orders and Advantage of thoſe whom he repreſents.

The Lower Houſe being thus filled at every New Parliament with Members, whoſe Thoughts and Intereſts are quite oppoſite to each other, it is no Wonder, that there ſhould be ſuch a Multiplicity and Variation of Laws; and that the Acts of Parliament ſhould be ſo prodigiouſly voluminous, and which ſeemingly contain Laws contrary to each other, or very difficult to be underſtood! *The Multiplicity of Laws*, (ſays PLATO) *is as certain a Sign of the Corruption of a Kingdom, as the Multitude of Medicines is of a Complication of Diſeaſes*: But the Contrariety of Laws, and

and their frequent Oppoſition, is as fatal in a Commonwealth, as the habitual uſe of Medicines taken wrongfully, and ill applied, is to the Health of the Body.

Rome and *England* therefore ſhew us the fatal Conſequences of the Sovereign Power being divided with the People. Let us now examine, whether *Ariſtocratical Monarchy* will not remedy theſe Inconveniences.

CHAP. XV.

Of MONARCHY moderated by ARISTOCRACY.

1. THE Unity of the Supreme Power hath always been regarded as a very great Advantage in a Kingdom, for preventing the Diviſions and Jealouſies of thoſe who govern: The grand Benefit of Society doth not ſo much conſiſt in the Riches, or Abundance of ſome particular or private Perſons, as the common Good of all; for

this common Good is the Union of Families, the Prevention of Civil Wars, and the Extinction of Cabals. It is inconteſtible, that Unity finds itſelf much better, whilſt the Supreme Power is united in one ſingle Mind, than when it is divided into many different ones.

Government divided, or put into the Hands of many Perſons, may be convenient with ſuch Republicks as are encloſed in ſingle Cities, or ſmall States; but it ſeems inconſiſtent with Kingdoms of a great Extent: The Citizens of every City would be always for raiſing their Grandeur above others; from whence naturally proceed frequent Revolutions, and cruel Seditions. It was from thence, that all the Jealouſies of *Greece* ſprung up; her celebrated Senate of the *Amphictyons* could not prevent Civil Diſſentions: That Sage Aſſembly, though compoſed of ſuch Deputies, as gave Names to the Twelve principal Cities of *Greece!* They preciſely met together on certain Days at the *Thermopyles*, where they conſulted upon every thing which regarded the Happineſs, the Repoſe, and the common In-

Intereſt of the ſeveral Republicks: But this Senate, ſo venerable as it was, yet however, was too feeble, to appeaſe and extinguiſh the Jealouſies and Civil Wars of *Sparta*, *Athens*, &c. who aſpired by Turns, to the univerſal Empire of *Greece*; inſomuch that all theſe ſmall Commonwealths were united under the Dominion of PHILIP of *Macedon*, who took Advantage of their mutual Diviſions, in order to weaken aud ſubdue them.

2. The Unity of the Supreme Power appears neceſſary, not only for uniting the Subjects, but for Expedition in Council. In popular, or *Ariſtocratical* Governments, nothing is done but with very great Slowneſs; and in publick Aſſemblies, tho' ſometimes every thing depends upon Expedition. In a Monarchy, the Sovereign may deliberate, and give his Orders at all Times and Places; for which Reaſon, the *Romans*, in grand and important Affairs of the Commonwealth, had often recourſe to the Unity of the Supreme Power, by creating a *Dictator*, whoſe Power was abſolute.

3. Military Government naturally requires to be exerciſed by one ſingle Perſon: Every thing is in Danger when the Command is divided. It plainly appears in itſelf, that this Form of Government is the moſt proper and agreeable of all others; and that, in ſhort, it ought to prevail, becauſe the Military Power, whoſe Strength is in its Hand, naturally draws every Nation after it, and reduces every thing into Monarchical Government. For wich Reaſon it was, that all the moſt famous Commonwealths in the World, began with Monarchical Government, and to that, in the End, they have or will return. It is but lately ſince the *Grecian* Cities formed their Republicks: (*a*) 'In the Beginning all People were Governed by 'Kings. Rome *began with Monarchy, and 'in the End returned to it again; at preſent there are no Commonwealths in the 'World, but what were formerly ſubject to 'Monarchy.* (*b*) Would it not be there-

'fore

(*a*) JUSTIN, *Lib.* 1.
(*b*) *Biſhop of* Meaux *his Scripture Policy.*

'fore better, that this Unity of the 'Supream Power ſhould be eſtabliſh-'ed at firſt, ſince it is inevitable, 'and ſo very violent when it gains 'the upperhand by open Force.

4. The Unity of the Supream Power is further neceſſary for maintaining Subordination among the different Orders and Degrees, which are in all Great Kingdoms, whoſe Subjects are diſtinguiſhed into two Claſſes. The firſt contains thoſe who are Proprietors of Lands; the Heads of antient Families; the Grandees of the Nation, who are born in the actual Poſſeſſion of all the Advantages of Life. The ſecond are thoſe who contain much the greater part, and are thoſe, who by the Order of Nature and Providence, are born under the Neceſſity of getting what they ſtand in need of, eiter by Labour, Arts, or Commerce. If both theſe would govern themſelves according to the Rules of Humanity and right Reaſon, the former would not make uſe of their Authority to oppreſs the latter; and the latter would entertain no Hatred nor Jea-

louſie againſt the former, upon Account of the inequality of their Condition. Every one would be content with his own Station; and they would all contribute, by this Subordination, mutually to aſſiſt and maintain each other. But the Paſſions of Men create a Diviſion between theſe two Orders.

If the Government was entirely in the Hands of the Nobles, they would oppreſs the Poor People; the Commonwealth would then be reduced to the Condition of *Rome*, before the famous Retreat of the *Sacred Mount*, when the *Patricians* oppreſſed and abuſed the People. If the Government is *Democratical*, the Nobles and Grandees are continually expoſed to the Hatred and Inſults of the meaneſt Perſons. Such was the Condition of *Rome* towards the End of the *Conſulate*, when every thing was governed according to the Humour of the blind Populace and inſolent Tribunes.

There muſt be therefore a Power ſuperiour to theſe two Orders, which ſhould hold them in their juſt Boundaries.

ries. Royalty therefore may be compared to the middle Point of the Balance, which by keeping itſelf in the Centre, or at an equal Diſtance from the two extream Points, keeps both in an *Equilibrium*.

It is neceſſary, therefore, that the Royal Authority ſhould be ſo independent from the Nobles and the People, that it may be capable of balancing or moderating both. This is what was wanting in the *Roman* Commonwealth, after the *Conſulate* was become common both to the *Patricians* and *Plebeians*. The Power was ſometimes wholly in the Nobles, and ſometimes in the People, ſo that an *Equilibrium* was never obſerved, but perpetual Seditions, and a ſucceſſive Oppreſſion of either the one or the other of theſe two Orders. Such will be the Condition of all Nations, where they endeavour to diminiſh and confine too cloſely the Supreme Power, which ought to maintain the two other ſubaltern Powers in their juſt Limits.

5. The King cannot ſee every thing, nor know every thing himſelf: it is

therefore neceſſary that he ſhould have Counſellors, not only to inform and inſtruct him of the Condition of his Kingdom, but to keep him from Deſpotick Tyranny. This made the moderate Royaliſts believe, that an Aſſembly fixed, and not elective, ought to ſhare with the King not only in the Sovereign Power, but the Legiſlative. The King (*ſay they*) ought to have a greater Degree of Power than all the Members put together, but none without them in the making of Laws. This is ſufficient to grant a ſingle Man! It is not reaſonable, that the Royal Authority ſhould be the only and ſole Power of the State: it ſhould do nothing without it; therefore it ought not to have a Power of doing every thing alone. There ſhould be no Laws made in oppoſition to the King; neither ſhould the Laws depend entirely upon his abſolute Will; there ſhould be a Concourſe or Mixture of *Monarchy* and *Ariſtocracy*, in order to compoſe the Legiſlative Power; and they ſhould never act after an independent manner.

6. It

6. It is not reaſonable, that the People ſhould entirely be excluded from the Government, but they ought not to ſhare in the Legiſlative Power; we have obſerved the fatal Conſequences of this Partition of the Sovereignty in the moſt illuſtrious States of the World. When once the Repreſentatives of the People invade the Supreme Authority, they know not how to contain themſelves in their Boundaries; for, ſooner or later, they reduce every thing to the Deſpotick Power of the Populace: It is not prudent to give them ſuch an Authority, as may tempt them to betray the People, and blow the Coals of Diſcord and Sedition.

In thus excluding the People from the Sovereign Authority, we are very far from trampling upon them: We have only ſpoke againſt thoſe fierce Repreſentatives of the Multitude, becauſe they have often been real Enemies to the People, and very far from being their Protectors, in betraying the Truſt which they have taken upon them; and by their Ambition they become the Diſturbers of the State: The

poor

poor People are the Support and Baſis of the Nation, they muſt be well nouriſhed and employed; if they are not well maintained and cheriſhed, they will want Strength, and ſo the Commonwealth will be enervated; if they are not employed, and kept to Buſineſs, they will be as wild Beaſts, which cannot be tamed.

But to skreen the People from Oppreſſion, and prevent them from being trampled upon by the Royal Authority; it ought to be an inviolable Law, never to raiſe extraordinary Subſidies without their Conſent.

I do not ſpeak here of thoſe regulated and annual Revenues, which are abſolutely neceſſary to ſupport the King and Kingdom: Theſe are inalienable Prerogatives of the Crown, which Princes had always a Right to claim. I only ſpeak of extraordinary Subſidies, which are upon very urgent, and uncommon Occaſions: For, I ſay, with PHILIP *de* COMMINES, that great Politician and Royaliſt (*a*) 'That no King 'or

(*a*) *Hiſt. of* LEWIS XI. *Book* 5. *Chap.* 18.

'or Prince in the World hath a Right 'to levy ſuch Taxes upon their Sub-'jects without their Conſent, nor can 'they exact them againſt their Wills, 'except by Violence and Tyranny. 'But, perhaps, it will be ſaid, that 'ſometimes there happens ſuch preſſing 'Circumſtances, that it would be dan-'gerous to delay the raiſing of the Sub-'ſidy, 'till after the calling of the 'States, who, perhaps, could not do it 'ſo eaſily. Is this, therefore, a Decla-'ration of War, when a Prince doth a 'thing which he hath a mind to do 'with ſuch Precipitation? For this is 'the War which is underſtood by thoſe 'who make the Objection. Can we 'engage ourſelves too late therein? 'And is it not always Time enough 'to declare it?'

7. But to render this Form of Government more perfect, it is requiſite, that Monarchy ſhould be hereditary; and as ſuch, it was eſteemed as a wiſe Precaution of great Legiſlators, to prevent Jealouſies and Diviſions: It ſhews apparently how they ought to fix the Rights of Sovereignty by Birth, as they have

have fixed that of Property. Nature, which hath given us a Rule for the one, ſeems to have given us the ſame for the other. It is a great Happineſs to the People, that the Government perpetuates it ſelf by the ſame Laws which perpetuate Mankind; and that it ſhould ſeem to ſay with Nature, We are both upon the ſame Level; we muſt always prefer that which is regulated by the fixed and conſtant Order of Nature to that which is the Effect of the capricious and inconſtant Will of Man.

Beſides, Elective Monarchy is the moſt unhappy of all Governments; the greater the Authority is, the greater will be the Factions to diſturb it, and yet greater will be the Dangers to leave it to the Judgment and Election of the Multitude. If the Source of all the Misfortunes of the *Roman* Empire were well examined, it will plainly appear, that they almoſt all came from Elections; every thing was ſubject to the Violence of an Army, who had ſeized upon the Sovereign Power; they choſe their own Maſters, according to their Fancies, and often many at a Time:

A King who had nothing to expect for his Poſterity after his Death, would think of nothing but his own Intereſts whilſt he lived; whereas an Hereditary King would be always diſpoſed to regard his Kingdom as his Inheritance, and which he would leave to his Poſterity.

It is the inviolable Obſervation of this Law of Succeſſion, which hath made the vaſt Empire of *China* to ſubſiſt for almoſt Four Thouſand five Hundred Years. The *Tartars* have often within that Time committed great Hoſtilities; but however, they were never able to ſtagger that Empire: But as ſoon as the *Mandarins* pretended to alter Hereditary Right, and every one pretended to the Sovereignty, they cauſed terrible Revolutions in the Seventeenth Century, and the *Tartars* took that Opportunity to ſubdue them.

It is alſo Hereditary Succeſſion which hath ſubſiſted for more than Sixteen Hundred Years, the wiſeſt Empire that ever was, I mean, that of *Egypt*. Bad Kings were ſpared during Life (the publick Repoſe requir'd it ſhould be ſo.)

But

But after they were dead, they puniſhed them for Examples, by depriving them of Burial. Some have been treated thus, but we find very few Examples of it; for, on the other ſide, moſt of their Kings have been ſo beloved by the People, that they have wept, and lamented their Death, as if they were their own Fathers or Children.

8. It is alſo neceſſary for the ſame Reaſon, that the *Ariſtocratical* Power, which moderates the *Royal* Power, ſhould be fixed and hereditary, and not elective. Nature and Birth give to every one his Rank or Degree; there is no Occaſion to make Parties by Cabals, and unjuſt and tumultuous Elections: And it is for this Reaſon, that the Elective Members of a State, or thoſe which repreſent the People, ſhould ever have a Share in the Legiſlative Authority; not but there may be found among the *Plebeians*, Men as capable, ſublime, and learned, as any among the *Patricians*; but becauſe Factions being inevitable, every Thing and every Place is filled with Parties and Cabals; no-

nothing is fixed or laſting, whilſt every thing is left to the Election of the blind Multitude, and miſled by ambitious Spirits.

Moreover, *Ariſtocratical* Power ought to be regulated according to the Antiquity of Families, in order to prevent Sovereigns from making themſelves abſolute Maſters of that Power which moderates their Authority. It ſhould always be deſired, that Kings might not be ſuch Maſters, as to increaſe, at their own Will and Pleaſure, the Members of the fixed Senate, which ſhares with them in the Legiſlative Power; for otherwiſe, it would be eaſy to diminiſh the Royal Authority, who had raiſed them on purpoſe, in order to ſerve unjuſt Deſigns. If a Sovereign would reward the Merits of great Perſons, as he ought, methinks they ſhould not at firſt be admitted with him to ſhare the Legiſlative Power, but make him mount up by Degrees to thoſe Dignities which after ſome Succeſſion of Time, may give a Right to their Poſterity to have a Part in the *Ariſto-*

cratical

cratical Authority. (*a*) 'Virtue, *ſays* 'a *Celebrated Author*, will be ſufficiently excited, and will have a ſtrong 'Impulſe to ſerve the State, provided 'that great and juſt Actions ſhould be 'the Commencement of Nobility to 'them who do them, and to their Poſterity.' The Neglect of obſerving this Rule, the *Tribunes* of *Rome* were guilty of before the *Conſular* Dignity. The Nobles multiply themſelves at *Venice*, by the Power of Money. And have none of the Commons of *England* arrived to the Peerage, by Money, purely to ſerve the ambitious Deſigns of the Court? But when Employments are regulated by Birth, every Order of the State applies itſelf to the Buſineſs or Employment which Nature and Providence ordained, according to Subordination; without a Deſire of aſpiring by Ambition to confound Ranks and Orders. After this manner the Nobility ſhould engage themſelves in the Works of the Mind, and the People in that of the Body; for the Strength of

(*a*) TELEM. *Book* 12. *Page* 466.

of a Commonwealth, without doubt, consists in a People, whose different Orders proceed from *Instructions* and *Employments*.

Monarchy moderated by *Aristocracy*, is the most antient, and most natural of all Governments. It hath its Foundation and Model from the paternal Empire, that is to say, from Nature itself, for the very Origine of Civil Societies proceeds from paternal Power: In a Family well-governed, the common Father doth not determine Matters after a Despotical manner, according to his own Fancy; in publick Deliberations he consults the most aged and wise of his Children; young Persons and Domesticks have not an equal Authority with Fathers of the common Family.

It was according to this Idea, that LYCURGUS ordained, That the whole Nation of the *Lacedemonians* should be but one Family; that the Children should belong to the Commonwealth; that the most aged Fathers should be regarded as so many Supreme Magistrates; and that all these Fathers together

gether ſhould be ſubject to one King, whom they ſhould look upon as the common Father of the Country: But the People had no deliberative Voice in the Government.

Monarchy *Ariſtocratical* is the Model of Government of the moſt famous States and Dominions in the World. Before popular Power prevailed in *Greece*, *Carthage*, and *Rome*, they were all governed by Kings and a fixed Senate: at firſt the People had no deliberative Voice: the *Ephori*, the *Suffetes*, and the *Tribunes*, were only Advocates for the People. Such alſo was the Government of *Antient Egypt*, whoſe Kingdom was Monarchical and Hereditary A Senate compoſed of thirty Judges choſen out of the principal Cities, made up the Sovereign Council of the Prince. Such was alſo the Government of the Empire of *Perſia*: the *Satrapes*, or Grandees of the Kingdom compoſed the Sovereign Council of that Monarch, and they were called *The Eyes and Ears of the Prince.* And ſuch is to this Day the Government of *China*; the Emperor, though abſolute

ſolute in his Power, takes a ſolemn Oath, that he will never eſtabliſh any Law without the Conſent of his *Mandarins*.

Such was, in ſhort, the Form of Government of the *Northern Nations* (whoſe cold and barren Clime by leſſening their Imagination increaſed their Judgment) who had carried it in all the Countries of the World, where they eſtabliſhed themſelves after the Deſtruction of the *Roman Empire*, of whom all Nations entertained Notions of Tyranny and Oppreſſion. The *Saxons* eſtabliſhed *Ariſtocratical Monarchy* in *England*, the *Franks* among the *Gauls*, the *Viſigotes* in *Spain*, the *Oſtrogotes*, and after them the *Lombards* in *Italy*. The Antient Parliaments of *Great Britain* were purely *Ariſtocratical*; ſo was alſo the *Field of Mars* in *France*; the *Cortes* in *Spain*; the third Eſtate, or elected Members, have not always had a Share in the Government, as has been urged before; for at firſt, their Power only concerned the Regulation of Taxes.

For all which Reaſons, the moderate Royaliſts thought, that the Form of

of Government ſubject to the leaſt Inconveniences, muſt be Monarchy moderated by *Ariſtocracy:* The three great Rights of the Sovereignty, (*ſay they*) viz. *the Military Power, the Legiſlative Power, and the Power of raiſing Subſidies*, ought to be ſo regulated, as not eaſily to be abuſed. It is neceſſary, that the Military Power ſhould reſide only in the King, becauſe from the Unity of one and the ſame Will depends Expedition, Secrecy, Order and Union, ſo neceſſary in the Soldiery. It is neceſſary, that the King ſhould partake with a fixed Senate the Legiſlative Power, becauſe he cannot judge of every thing himſelf. It is neceſſary, in ſhort, that the King ſhould not impoſe any Subſidies extraordinary, but by the general Conſent of all the States in the Kingdom; that the People may not be trampled upon. Such a Government as this, hath all the Advantages which are found in the Unity of the Supreme Power, for the more eaſy and ready executing good Laws; and, in fine, freed from all thoſe Inconveniences

which are found in popular Governments, or through the Imbecility of the King, to cruſh the People by extraordinary Taxes.

But whatever may be the great Advantages of this Form of Government, it is not however, without Inconveniences, as well as others.

1. The Diviſion of the Sovereignty between the King and Lords, will infallibly produce a Contention in the contrary Powers; ſooner or later, the King will ſubdue and diſpoſe the Senate, and ſo become Abſolute; or elſe the Nobles will become like ſo many petty Tyrants, by pulling down Monarchical Power, as formerly they did at *Athens*, *Rome*, &c. and now at *Venice* and *Genoa*.

2. On the other hand, in Kingdoms where the People have no part in the Government, the Haughtineſs of the Nobles, their Avarice and Ambition make them deſpiſe and tread under their Feet, thoſe who are obliged to live by their Induſtry; Grandees forgetting, that ſimple Birth contributes nothing

nothing to make them better than other Men, any otherwiſe than by giving them an Opportunity of doing more Good than other Men; their Pride often cauſes them to rebel againſt Princes, and their Hard-heartedneſs and Obſtinacy urges the People to rebel againſt them.

All Things being well conſidered, it appears, that Monarchy is preferable to a Mixed Government: Other Forms of Government are expoſed to the ſame Inconveniences as it, yet Monarchy hath ſuch Advantages as others have not, *viz.* Unity, Expedition, and a Balance of Power between the Nobles and the People, which are particular Advantages belonging only to Monarchy: But Tyranny, the Paſſions and Abuſe of the Supreme Authority, are Evils common to every Government. Whilſt humane Nature is thus weak, imperfect and corrupt, all Sorts of Governments will bear within them the Seeds of inevitable Corruption, Diſgrace and Ruin.

I am

I am therefore far from thinking that there is any humane Eſtabliſhment free from Inconveniences; or that it is poſſible to remedy theſe inevitable Misfortunes of the grand Body Politick, by any particular Form of Government whatſoever. The Abuſe of the Sovereign Authority, in whatſoever Hands it is intruſted, will ſooner or later draw on the Ruin of any ſort of Government, let it be the beſt in the World. Fine Plans and Schemes ſerve to amuſe Speculative Perſons in their Cloſets: but in Practice we find that the leaſt Overſight cauſes the Subverſion of the greateſt Empires. It is thus the grand Body Politick may be compared to the Humane Body: A Fever, a Rheumatiſm, or the leaſt Accident takes off the moſt robuſt and handſom Perſon, as ſoon as the moſt weak and deformed. It is known by Experience in Phyſick or Medicine, that the moſt vigorous and active Perſons are more ſubject to ſudden and violent Diſeaſes, than the moſt Languiſhing.

On one ſide, the beſt Forms of Government may degenerate through the Corruption and Paſſions of Men. On the other ſide, thoſe Governments which appear leſs perfect, may be convenient for ſome Nations. It may be perhaps impoſſible to determine which is the beſt Form of Government, or if there may poſſibly be framed ſuch an one as may generally agree with every Country; the different Genius's of People are often oppoſite, and contrary to each other, and ſeem to make the Difference in oppoſite Forms neceſſary and convenient. But there ariſes in the Caſe ſuch a vaſt multiplicity of various Appearances, that Humane Underſtanding is not capable to comprehend them ſo as to form any determinate Judgment thereof.

The Abuſes and Inconveniences to which all theſe different Forms of Government are expoſed, ſhould convince Men, that the Remedies for theſe Evils of the Grand Body Politick, are not to be found in changing, and overturning the Forms already eſtabliſhed,

eſtabliſhed, in order to eſtabliſh others which in Theory may appear more perfect, but in Practice are always attended with inevitable Inconveniences. Men will never find their Happineſs in outward Eſtabliſhments, nor in the moſt curious Schemes invented by Humane Wit; but in the Principles of Virtue, which will always inwardly furniſh us with Remedies againſt all the Evils of this Life, and which will enable us to ſupport, even for the love of Order and Peace of Society, all the Abuſes to which the beſt Governments are expoſed.

CHAP. XVI.

Of Government purely Popular.

THE Lovers of Independency perceiving that all theſe Forms of Government are expoſed to inevitable Inconveniences, pretend that the Sovereign Authority ſhould never be truſted with any one Man, nor any Society of Men in a continual manner.

'This Stability of Power, *say they*, 'makes Sovereigns attribute it to 'themſelves as a Right, and ſo they 'become Tyrants: The only means of 'keeping them in order, is to make 'them ſenſible, that Sovereigns of all 'Countries and Nations are only 'Executors of the Laws; that the 'Supream Authority originally reſides 'in the People; and that the Right is 'always in them, to Judge, Depoſe 'and Puniſh ſupreme Magiſtrates when 'they violate theſe Laws. The De'ſign of the firſt Creation and Inſti'tution of Sovereigns, was for no 'other intent than to preſerve the 'Order and Peace of Society: they 'were only choſe by the conſent of a 'Majority. Thoſe who give the Au'thority, may always take it away. 'The Original Contract between the 'Prince and People, is upon this eſ'ſential Condition, That Sovereigns 'ſhould be Fathers of the People, and 'Maintainers of the Laws. One ſin'gle Man, or a ſmall Number of 'Men, may deceive themſelves, or 'ſuffer themſelves to be ruled by their

'Paſſions;

'Paſſions: but the univerſal Voice
'of the People, is the Voice of pure
'Nature; it is common Senſe and
'right Reaſon freed from Artificial
'Subtilties. Every particular Perſon
'ſeparately hath his Errors and Paſ-
'ſions; but the whole People toge-
'ther, make an agreeable mixture of
'contrary Qualities, which correct
'and moderate each other recipro-
'cally, like the Ingredients of the
'moſt famous Medicines, whoſe Par-
'ticulars may be poiſonous, yet the
'Compoſition of them altogether,
'makes an excellent Remedy.

Is not this forgetting Humane Nature, to reaſon after this manner? Inſtead of bright Ideas, it feeds us with the Poetical Fictions we have already demonſtrated.

1. That there never was ſuch a Thing as a State of pure Nature, where all Perſons were independant, equal and free to make this imaginary Contract. 2. That the Sovereign Authority is not derived from the People. 3. That ſuppoſing it ſhould derive its Authority from the People, yet

however, the People having once reſigned their Natural Right, they cannot reſume the ſame again. But independantly from all this it is falſe; 1. That the greateſt Number have any Inherent or Natural Right of making Laws, and judging in the *dernier reſſort.*

Natural Right is founded upon the Law of Nature; the Source of the Law of Nature, is the Sovereign Reaſon and Perfect Juſtice; but the Multitude doth not poſſeſs theſe Qualities, as being the greateſt Number. There are few Men who conſult Reaſon with attention, and who follow it in oppoſition to their Paſſions: The greateſt Number have always been the moſt ignorant and corrupt.

If in Civil Aſſemblies they ſubmit to the Deciſion of the Majority, 'tis not becauſe they always judge according to perfect Reaſon and Juſtice; but becauſe ſuch a Determination or Deciſion is a fixed and palpable Method of ending Diſputes.

If theſe Lovers of Independency ſay, that Fathers of their Country, Heads

of

of Families, Hereditary or Elective Members of a Senate, are or have been always natural Legiſlators, they contradict their own Principles. They eſtabliſh a natural Inequality among Men; they give an inherent Right to a ſmall Number of Perſons, by excluding the Multitude; for the Nobles and Gentlemen choſen for the Repreſentatives of any Nation, are very much the ſmaller Party. The Patricians of all Countries are often People of little Learning, weak Capacities, and ſubject to the ſame Paſſions as other Men. Elective Members are often choſe by Parties, and corrupted by Promiſes; ſo that Reaſon is not more probably on their ſide, than on thoſe who are not choſen; therefore, conſequently, they have not naturally any Inherent or Natural Right to determine Sovereignty: They have only a Civil Right, founded upon the Neceſſity that there ſhould be ſome ſupreme Judge to determine Differences, and who ſhould preſerve the Order and Peace of Society.

This is the Foundation of all Civil

Right, all Authority, and all lawful Property. It is neither abſolute Reaſon, perfect Juſtice, nor perſonal Merit, but the general Peace of Society, which is the Rule of Civil Laws. 2. It is wrong, that we ſhould always follow, in publick and popular Deliberations, the natural Sentiments of the Majority. Two or three Men generally govern the Multitude; Factions and Cabals prevail, Promiſes, Threatnings, or the falſe Eloquence of ſome of the boldeſt Leaders, influence all the People.

Let them read the Hiſtory of the *Roman* Republick, where popular Government hath prevailed; they will find there, that it was not the People who always ſpoke, but moſt commonly ſome ambitious Tribune, who would ſpeak for the Multitude, and from thence abuſe their Credulity. The Partiſans of popular Power are only ſo, becauſe they hope, one time or other, to govern the People according to their own Pleaſure.

They would dazle their Eyes with theſe bright Ideas; therefore they only

ly behold one ſide of Truth, without regarding all its glorious Appearances.

It is true, that the *publick Good* ſhould be the immutable Rule of all Laws; that Sovereigns ought to be the Preſervers of theſe Laws, and Fathers of the People; and that when they act otherwiſe, they overthrow the Deſign of their Inſtitution; they violate all the Rights of Humanity, and become Tyrants: But they are not to be puniſhed by any other Power than GOD only. It is not denied but they may be blameable, and merit greater Puniſhments than other Men; but the Order and Peace of Society requires not only that there ſhould be good Laws, but that there ſhould be a ſupream Power, fixed and viſible, to make theſe Laws, interpret and execute them, and judge in the *dernier reſſort*, and againſt whom it ſhould never be allowed to rebel, unleſs they would have a mind to looſen every fixed Point in Policy, and expoſe every Government to perpetual Revolutions, and the extravagant Humours of the blind and unconſtant Multitude. Such

Such is the deplorable Condition of Humane Nature, that it is abſolutely neceſſary there ſhould be a Supreme Authority, who ſhould make, interpret, and execute the Laws. The Legiſlators, Interpreters and Executors of theſe Laws, are but weak imperfect Men, and ſubject to a thouſand Paſſions; they are as deficient as thoſe who obey; they deceive themſelves and are unjuſt, but there is no Remedy. We muſt obey and ſuffer, for ſince we are between two inevitable Evils, we ought to chuſe the leaſt. For which is better, to ſubmit our ſelves to a fixed and laſting Strength, or to abandon our ſelves to the perpetual Revolutions of Anarchy? Muſt we place our ſelves under a regular Government, where we find ſometimes good Maſters, and where wicked Princes have always a powerful Intereſt in managing their Subjects; or muſt we deliver up our ſelves to the Fury of the Multitude, in order to become every Moment the Sport of the Caprice, Inconſtancy and blind Paſſions of all thoſe who have

no

no other Principle of Union, but the Love of Independency, and how they may divide and ſubdivide themſelves to Infinity, as the Waves of the Sea, who ſucceſſively daſh upon, and break one another? There is certainly no choice to be made in theſe two Extreams.

CHAP. XVII.

Of Government where the Laws only preſide.

MAny Philoſophers have thought, that the only means of avoiding the Abuſes of the ſupream Authority, is, that all People ſhould have written Laws, always conſtant and ſacred, and that thoſe who Govern, ſhould have no Authority but by them, and as they execute them: This is what theſe Philoſophers ſay, is what Men ſhould unanimouſly eſtabliſh for their Felicity, if they were not blind, and Enemies to themſelves.

Yes,

Yes, certainly! but this is what theſe Men never will eſtabliſh, becauſe they are, and always will be blind, and Enemies to themſelves: for if they ſhould make uſe of this Plan, they would change their very Natures, and ſo become wholly Philoſophers.

In the preſent State of Humanity, all written Laws would become uſeleſs, if there was not ſome ſuperiour and living Power to interpret and execute them, for theſe following Reaſons.

1. Every written Law is ſubject to Equivocations: the moſt ſimple and ſhort Laws, which appear plain and clear in the general Theory, become obſcure in the particular Explication. The firſt Legiſlators thought (without doubt) to ſatisfie all the Wants of Society by their primitive Laws; but at length they were forced to accommodate theſe general Laws to an Infinity of particular Circumſtances, which they could not at firſt foreſee: from thence came the multiplicity of Laws, and all the Niceties of Civil Right. An eſſential Vice in a Nation, but inevi-

inevitable, to prevent the Artifices of crafty Men.

Humane Underſtanding is very fruitful at Evaſions, Sultilties, and Subterfuges: It ſpreads Obſcurity over the cleareſt Truths, when they ſtand in competition with our Paſſions, Prejudices and Intereſts: It covers us with Clouds, to skreen us from the Light which is ſo troubleſome. What is to be done in this Condition? Who is there who will be an Interpreter of theſe Laws thus obſcure and altered?

If there is no ſupream Judge to ſpeak, every one will preſume to take the Book of Laws in his Hands, and diſpute his own Opinion; every one will pretend to determine, and ſet up for a Legiſlator: the moſt wiſe and rational Perſons are the ſmalleſt Number; the Laws become no more regarded, Strength alone decides every thing; they therefore will all fall into the moſt dreadful Anarchy, where every one calls Reaſon his own Opinion.

2. Civil

2. Civil Laws are not of an immutable and univerſal Nature: that which appears juſt and convenient at one time, is not ſo at another. There is no Rule made by Man, which is not liable to Exceptions, becauſe humane Capacity cannot foreſee all the various Circumſtances which render the beſt Laws more or leſs uſeful, according to the Differency of Times and Places: for which Reaſon, the Alteration of antient Laws, when they are changed by the Sovereign Power of a Nation, (and not according to the Caprice of the People) is oftentimes neceſſary and advantageous.

It is therefore neceſſary, that there ſhould be a Supreme Authority, who ſhould judge when it is convenient to change, enlarge, circumſcribe, moderate, and accommodate the Laws to all the different and various Circumſtances of Men: For if the People are to be Judges thereof, the greateſt Number will carry it, and Force alone will rule, which will plunge every thing into Anarchy and Confuſion.

The

The bright Knowledge of Truth, or the Underſtanding of better Laws, is not ſufficient to make them executed: The pure Love of Virtue, the exquiſite Pleaſure which it affords, is a Secret too great for the Generality of Mankind; they muſt be moved by Motives more Groſs, by Rewards and Puniſhments, by Threats and Promiſes. It is therefore abſolutely neceſſary, that beſides the dead Letter of the Law, there ſhould be a fixed and living Authority, which ſhould compel Men to do by *Force* that which they will not do by *Reaſon*.

CONCLUSIONS.

WHAT has been advanced in this ESSAY, may be reduced to theſe following Principles, which we offer to the ſerious Conſideration of our Antagoniſts.

1. Civil Government is not a free Contract; the Paſſions of Men make it abſolutely neceſſary, and the Order of Generation ſubjects us all thereto, antecedent to every free Contract.

2. In

2. In every Government it is neceſſary, that there ſhould be a Sovereign Power, to make Laws, and puniſh the Violaters with Death. This Supreme Power originally proceeds from God, who hath only the Right, as *Supreme Being*, and *Sovereign Reaſon*, to rule his Creatures, and to puniſh wicked and ungovernable Men. Election, Succeſſion, juſt Conqueſt, and all other means of attaining the *Sovereignty*, are only Canals through which it glides along, and not the Fountain from whence it flows; the former are only Civil Laws, in order to regulate the Diſtribution of that Right, which originally belongs to the *Sovereign Being*.

3. Forms of Government are arbitrary; but when the Supreme Authority is once eſtabliſhed in one, or more Perſons, after a *Monarchical*, *Ariſtocratical*, *Popular*, or *Mixed* manner, it is not lawful to rebel againſt their Deciſions; for as Powers are not to be multiplied to Infinity, we muſt of neceſſity fix upon ſome Authority ſuperiour to all others, to judge in the *dernier*

nier reſſort, and which cannot be judged itſelf.

4. From hence it follows, that *Sovereign Power* is not indefinite and undetermined, but an Authority fixed, living and viſible, which we ſhould acknowledge at all Times, and in all Places, and to whom all Perſons ſhould have recourſe, as to the Source of Political Unity and Civil Order. To believe, therefore, that it originally reſides in the People, and that it belongs always to the greateſt Number, is a Principle which tends to deſtroy all Authority: Two or Three bold and daring Heads of a Party may any time aſſemble the People in a great Number, who may call themſelves the Majority of the Nation, and who may undertake and execute every thing by Number and Force, without any Order, Rule or Juſtice.

5. The *Publick Good* ought to be the immutable and univerſal Law of all Sovereigns, and the Rule of all Laws in being. When Princes violate this Law, they overthrow the Deſign of their Inſtitution, and act contrary to all

all Juſtice; but then they are accountable only to GOD alone, for the Abuſes of their Authority.

If it was allowed every particular Perſon, or the People in general, to judge and determine when Sovereigns have paſſed the Boundaries of their Power, and ſo to judge and depoſe them, there would be no more any fixed Government upon Earth.

Ambitious, Rebellious, and Crafty Perſons, will always make uſe of the moſt ſpatious Pretences, in order to ſeduce the People, and cauſe them to rebel againſt their Lawful King.

6. Whilſt Men are governed by Men, all Forms of Government will be imperfect, and expoſed to the ſame Abuſes as Sovereign Power: But Monarchy appears the beſt of all Forms; for though it hath the ſame Inconveniences as others, yet it hath, however, greater Advantages than any other.

CHAP. XVIII.

Of the Ideas which the Holy Scriptures give us concerning Government.

AS we have ſaid all along in this ESSAY, that, philoſophically ſpeaking, we do not ſuppoſe any Revealed Religion; we have now thought it our Duty, to compare the Conformity of our Principles with the Lights of the Holy Scriptures, in order to give Satisfaction to the Piety of thoſe, who are capable of conſulting thoſe Sacred Oracles with Veneration and Docility.

Theſe Divine Books repreſent Mankind as a great Family, of which GOD is the Common Father. All Men are created after his Image and Reſemblance; all are capable of the ſame Perfection; all are deſigned for the ſame Happineſs: We are, therefore, tied and bound one to another, by our Reſemblance or Conformity to the Com-

Common Father of Mankind, and obliged to love, cheriſh, aſſiſt, and mutually ſeek the common Good of each other, as we are Brethren, Children, and Images of one and the ſame Father. *To love GOD for himſelf, and Man for the Sake of GOD*, is the eſſential part of the Law of MOSES, and alſo of our great Legiſlator JESUS CHRIST.

We are Brethren, not only becauſe our Minds ſpring from the ſame Fountain, but becauſe our Bodies are alſo deſcended from the very ſame Family. GOD hath produced all Men which cover the Face of the Earth from One, which was the Image of the Paternity of GOD. That which he doth in the Order of Spiritual Beings, is lively repreſented, by what he doth in the Corporeal Order: All proceed from the ſame Origine; all are Members of one and the ſame Family; and all are Children of one and the ſame Father. It is not reaſonable, therefore, that Man ſhould look upon himſelf as independent, and free from all others: he is not to make himſelf the very End and Centre

Centre of his own Love, without overthrowing the Law of his Creation, Filiation and Brotherhood, he ought to conform himſelf entirely to the grand Family, and not to himſelf.

If Men had follow'd this grand Law of Charity, they would have had occaſion neither for poſitive Laws, nor Magiſtrates; all the good things of the Earth would have been in common: GOD ſaid to all Men, (*a*) *Increaſe, multiply, and repleniſh the Earth.* He gave them, in general, all Plants and Trees which grew thereon.

According to this primitive Natural Right, no Perſon hath any particular Right or Privilege over that which he hath, any further than for his own Subſiſtence: But the firſt Man having ſeparated himſelf from GOD, ſowed Diviſion in his Family; he forſook the Law of Reaſon, gave himſelf over to his Paſſions; and Self-Love rendred him inſociable: He is no more employed but only for himſelf; he thinks no more upon others, but only for his own

(*a*) GEN. j. 28.

own Intereſt. The Language of CAIN reſounds in every Corner; *Am I my Brother's Keeper? Philanthropy* is loſt, and every thing becomes a Prey to the Strongeſt.

It ſeems as if GOD had intended to preſerve amongſt Men the Unity of their Origine, by engaging them in brotherly Love: but being reduced by their Paſſions to an unreaſonable State or Condition, wherein every one would pretend to be independent, GOD deſtroys all Men, except NOAH and his Family; to the end, that a ſecond time they might regard one another as Children of one and the ſame Father. The Family of NOAH divided itſelf into three Branches, and they again ſubdivide themſelves into innumerable Nations: *From theſe* (ſays MOSES) *were the Nations divided, after the Flood, according to their Country and Language.* It is thus, according to the Teſtimony of Sacred Hiſtory, that Civil Societies, at firſt, formed themſelves, by the Production of one Root, into many Branches, and not by the re-union of many free and independent Members.

The

The very firſt Idea of Command, without doubt proceeds from Paternal Authority: I do not ſay that it is the *Source* thereof, but only the *firſt Canal* through which it runs. The firſt Men lived in Fields, in pure Simplicity, having only the Will of their Parents for a Law: Such was the Conduct of many Families after the Deluge, but eſpecially amongſt the Children of SEM, who preſerv'd for a very long time their ancient Traditions concerning Religion, and their Manner of Government. Thus ABRAHAM, ISAAC, and JACOB continued in the obſervance of a Simple and *Paſtoral* Life: they were in their Families free and independent; they were treated upon an equality with Kings; they declared War like Princes, and exerciſed all other Parts of Sovereignty. Not that I pretend to deny that there ever were any other ſorts of Government, that have been happy or convenient, beſides Paternal Empire: Many have violated the Laws of Fraternity, and united themſelves tógether, built Cities, gain'd Conqueſts, and

and eſtabliſhed different Forms of Government.

But after what manner they were eſtabliſhed, the Sacred Scriptures raiſe us up to the ſame Divinity, to ſearch there for the true Source of Sovereignty. Thoſe Sacred Oracles teach us, that the Supreme Power only flows from GOD alone; all the different ways by which Men attain it, whether by Paternal or Hereditary Right, Election or Conqueſt, they are only (according to Modern Philoſophy) occaſional Cauſes. It is GOD alone, who depoſeth one, and ſets up another: It is He, who by his Sovereign Providence and Univerſal Influence over all the Councils of Men, renders uſeful or abortive, all their Enterpriſes, according to his Eternal, Wiſe, and Equitable Deſigns.

For which reaſon, theſe Divine Books, always repreſent the whole World as a Kingdom govern'd by GOD himſelf, who gives to Nations good or bad Maſters, as Miniſters of his Juſtice and Mercy.

'GOD

'GOD giveth, *says the Preacher (a)* 'to every Nation its Governour, but 'ISRAEL is manifeſtly reſerved for 'Himſelf.

Kings are through every part called the *Lord's Anointed*: Not only the King's of *Iſraël*, which he cauſed to be Anointed as his Prieſts, but even the Heathens themſelves. Obſerve what the Lord ſays to CYRUS, *(b)* 'Mine Anointed, whom I have taken 'by the Hand to ſubdue all Nations. 'Hear! O Kings, *ſays the Author 'of the Book of Wiſdom*; compre-'hend and learn you Judges of the 'Earth: Open your Ears! O you who 'hold People in ſubjection under your 'Empire; it is GOD who hath gi-'ven you Power; your Authority 'proceeds from the Almighty, who 'will examine your Hearts, and 'penetrate into the depth of your 'Thoughts, becauſe you being Mi-'niſters of his Kingdom, have not 'judged righteouſly.

(*a*) Eccleſiaſt. xvij. 17.
(*b*) Iſa. *Chap.* xlv.

Saint PAUL teaches us much the ſame Doctrine, (*c*) 'Let every Soul '(*ſays he*) be ſubject to the higher 'Powers; for there is no Power but 'of GOD; and all thoſe Powers which 'are, it is GOD which hath eſtabliſh-'ed them: therefore he who reſiſteth 'the Power, reſiſteth the Order of 'GOD. The Prince is the Miniſter 'of GOD, and his Vicegerent upon 'Earth; to whom is given the Pow-'er of the Sword.

The Partiſans of a King of Providence ſeem to believe, that this Text of St. *Paul* favours their Opinion; *All the Powers which are, it is God who hath eſtabliſhed them*: Therefore, ſay they, a King *de Facto*, is a King *de Jure*. But doth Reaſoning thus, go no further than to make the Apoſtle guilty of Tautology, by teaching Men that GOD approves the moſt unjuſt and enormous Things? The Apoſtle hath ſaid already, that there is no Power but of GOD; the reſt are uſeleſs

(*c*) Rom. xiij. 1.

uſeleſs Repetitions, if the Words which follow, have no other Signification! We have already made it apparent, that the Right of Property, and the Right of Sovereignty, are both founded upon the ſame Principles. If unjuſt Poſſeſſion gives a Right to one, it gives the ſame to the other. This therefore would be an open Road to all Violence and Robbery. Can they bear ſuch an Explanation? The true Senſe of the Words can be no other than this: Obey the ſuperior Powers, becauſe their Authority proceeds from GOD: Obey alſo *Roman* Emperors, for their Authority is lawful.

Becauſe theſe Lovers of Independency ſhould not ſay, that it is Fear only which is the Foundation of Submiſſion to the Civil Powers, the Apoſtle adds (*a*) 'It is therefore neceſſary that ye be ſubject to the Prince, 'not only for fear of his Anger, but 'the Obligation of your Conſciences.

(*a*) Rom. xiij. 5.

And in another Place, (*b*) 'We must not 'serve him with Eye-service as Men-'pleasers; but with Good-will, Fear, 'Respect, and a sincere Heart, as un-'to *Jesus Christ*.

Another Apostle confirms the same Doctrine: (*c*) 'Be ye therefore sub-'ject for the Love of GOD, to the 'Order which is established amongst 'Men: Be subject to the King, as to 'him who hath the supreme Power, 'and to those whom he hath given 'his Authority.

The same Sacred Oracles inform us, that Sovereigns are only responsible to GOD, for the Abuses of their Authority.

When the People of *Israel* demanded a King, as all other Nations had, SAMUEL declares what will be the Extent of his Power, without any Remedy of having the same restrained by any other superior Strength upon Earth: (*d*) 'This will be the Manner or Way

(*b*) Ephes. vj. 5, 6, 7.
(*c*) 1 Pet. ij. 13.
(*d*) 1 Sam. viij. 11.

'Way of the King who ſhall reign 'over you, *ſaith the Lord*; He will 'take your Children, and make them 'ſerve him; he will ſeize upon your 'Lands, and the beſt which you 'have, for to give to his Servants." Is it thus, that Kings ſhould have a Right of doing every thing lawfully? GOD forbid! GOD never gives a Power to do Evil, and to violate the Law of Nature. But ſuch are the Inconveniencies of Royalty, that the People muſt bear them. GOD here declares (by his Prophet) what Kings will do, without being able to puniſh them by Humane Juſtice. SAUL had violated (what the Republicans call) the Original Contract between the King and his People: He endeavour'd without any Reaſon, to deſtroy an innocent Perſon, to whom GOD had even given the Royalty: Yet however obſerve the ſacred Reſpect which DAVID bore for the Perſon of SAUL when his People preſſed him to Deſtroy him: 'GOD forbid, *(ſays he)* 'that I ſhould lift up my Hand a-'gainſt my Maſter, the *Lord's Anoined!*

His Heart was very ſenſibly touched when he had but cut off the Border of his Garment.

'Obey your Maſters, *ſays the Apoſtle*; 'not only thoſe who are good and 'gentle, but even thoſe who are froward and wicked.' It is true, that Kings are not only weak and feeble Perſons, but ſometimes even deſpicable with reſpect to their perſonal Qualities; but their Character is Auguſt, Sacred, and Inviolable. They are but Statues, Images, and Hieroglyphicks; but then they are the Hieroglyphicks of the Sovereign Majeſty, who are Venerable becauſe of him whom they repreſent, and who gives to every Statue it's proper Place, and who ranges the one above the other, according to their different Degrees: He reſerves to himſelf the Right of breaking, in his Anger, the Supreme Statue, when it doth not anſwer his adoreable Deſigns: Such is the Doctrine of the Holy Scriptures concerning Royalty; now let us ſee what it is in Practice.

(a) 'Among

(*a*) 'Among the *Hebrews*, who have 'had ſo many Kings as have tram-'pled under their Feet Laws Divine 'and Humane, there never was found 'any inferior Magiſtrate, who pre-'tended any Right to reſiſt or take 'up Arms againſt their King, unleſs 'ſome one had received an expreſs 'Order from GOD, who hath a So-'vereign Right over crowned Heads.

It was this extraordinary Inſpiration which juſtifies the Conduct of the *Maccabees*; for otherwiſe it would have been a formal Rebellion. But we are not to imitate ſuch an Example, unleſs we ſhould ſay Robbery is allowed as lawful, becauſe GOD protected the *Iſraelites*, when they detained thoſe things which they had borrowed from the *Ægyptians*.

(*b*) Moreover, the Accompliſhment of the antient Alliance was fixed to the Land of *Canaan*, to the Blood of ABRAHAM and his Children, according to the Fleſh. To conſent to the

(*a*) GROTIUS *de Jure Belli*, &c. Lib. i. cap. 4.
(*b*) *Biſhop of* Meaux *Advert.* 5. *againſt* JURIEU.

total Loſs of the Race of AARON, was to make a Renunciation of the Accompliſhment of the Promiſes, Covenant, and Prieſthood: The Party of the *Maccabees* were therefore under an abſolute Neceſſity, and indiſpenſible Promiſes, and yet they never came to this fatal Remedy but once, and even then, after a manifeſt Declaration of the Will of GOD.

DAVID defended himſelf from Oppreſſion, but it was by flying, without raiſing a Commotion in his Country, and without violating the Reſpect due to the Perſon of his King, even when he had him in his Power.

REHOBOAM uſed the People hardly; but the Rebellion of JEROBOAM and the Ten Tribes, tho' permitted for the Puniſhment of SOLOMON's Sins, is deteſted in all the Scriptures; which declare, (*c*) 'That the Tribes 'in rebelling againſt the Houſe of 'DAVID, were rebellious againſt 'GOD, who ruled over them.

All

(*a*) 2 Chron. xiij. 5, 6.

All the Prophets who lived under wicked Kings, ELIJAH and ELISHA, under AHAB and JEZABEL; ISAIAH under ACHAZ and MANASSES; JEREMIAH, under JOACHIM, JECONIAS and ZEDEKIAS; have never been wanting in Obedience; never breathing Rebellion, but always Submiſſion and Reſpect. According to the expreſs Letter of the Law, Idolaters, or thoſe who forced the People to Idolatry, ought to be puniſh'd with Death: Yet, however, as a learned Prelate very well remarks, (*d*) 'Neither Great nor Small, nor 'all the People, nor the Prophets, 'who ſpoke ſo powerfully to the moſt 'formidable Kings, did ever reproach 'or threaten them with the Puniſh-'ment of Death, which they had in-'curr'd according to the Law. For 'what Reaſon was it thus? If it was 'not underſtood, that in all Laws, Penal 'or Otherwiſe, there was a tacit Exception in favour of Kings, whom they 'thought only reſponſible to GOD, for 'the Abuſes of their Authority.

NEBU-

(*a*) *Biſhop of* Meaux, *Advert.* 5. *againſt* Jurieu.

NEBUCHADNEZZAR was very wicked, in endeavouring to make himself equal with GOD, and in slaying those Persons who disobeyed him in his Sacrilegious Worship; nevertheless DANIEL spoke thus to him: *You are the King of Kings, and the God of Heaven hath given you the Kingdom, the Power, the Empire, and the Glory.*

This Doctrine is continued in the Christian Religion: It was under TIBERIUS, who was not only an Infidel, but a wicked Prince, when our Saviour said to the Jews, *Render to Cesar the things that are Cesars!*

St. PAUL prays for Emperors, tho' the Emperor which reigned at that time was NERO, a perfect Monster of Humanity, and the most wicked of all Men.

The Primitive Christians followed this Apostolical Doctrine: TERTULLIAN says, (*a*) 'We behold in 'Emperors the Choice and Judgment 'of GOD, who hath given them the 'Command over the People; we ought 'to

(*a*) TERTULLIAN's *Apology.*

'to reverence and reſpect that which 'GOD hath Eſtabliſhed. What ſhall I 'ſay more of our Piety for the Empe-'ror, whom we muſt Reſpect as him 'whom GOD hath made choice of? He calls the Regard and Reverence due to Kings, *The Religion of the Second Majeſty*; intimating thereby, that the Royal Authority is a Stream from the Divine Power. In the ſame Apology he ſays, 'Beſides the publick Ordi-'nances, by which we are purſued and 'perſecuted, how many times have the 'People attacked us with Stones, and 'ſtoned us to Death; ſet Fire to 'our Houſes in their Bacchanalian 'Rage? Yet, however, what Revenge 'have you received from People 'thus cruelly treated? Could we not 'with a ſmall *Flambeaux*, ſet Fire to 'the City, if it was allowed us to 'return Evil for Evil? If we ſhould 'declare ourſelves your Enemies, 'ſhould we want Troops or Armies? 'The *Marcomans*, and even the *Par-'thians* themſelves, are they greater 'in Number than we, who fill the 'whole Earth? It is but a ſmall time

'ſince

'ſince we appeared in the World, 'and yet we fill your Cities, Iſlands, 'Caſtles, Camps, Aſſemblies, Tribes 'and Decuries; alſo the Palace, Se-'nate, Bar, and Market-Place; we 'only leave the Temples for you. To 'what War may we not prepare our 'ſelves, when we are ſo ſuperiour in 'Number? We who endure Death 'ſo reſolutely, and which proceeds 'from no other Motive than what our 'own Doctrine teaches us, which is, 'rather to ſuffer Death, than be the 'Inſtruments of inflicting it on others!

(*a*) St. AUGUSTINE confirms the ſame Doctrine, in the Examples of the firſt Chriſtians; 'At that Time, the '*City of GOD*, (*ſays he*) tho' it was 'ſpread over the whole Earth, and had 'ſuch a vaſt Number of People to op-'poſe, as its inexorable Enemies; yet 'it never ſtruggled for temporal Wel-'fare, or rather, it never reſiſted, be-'cauſe of acquiring eternal Happineſs; 'they were bound in Chains, impriſon-'ed,

(*a*) *S.* AUGUSTINE *de Civitate Dei.*

'ed, tortured, burned to death, torn
'in pieces, had their Throats cut;
'and all these Cruelties together,
'served only to increase their Num-
'ber: They did not put themselves
'in Order of Battle to defend their
'Lives, but despised Life, in order to
'save it.

But the most celebrated Example of Patience and Non-Resistance of the Primitive Christians, is that of the *Thebean Legion*, which was composed of Six thousand, six hundred, and sixty-six Soldiers, all Christians, which the Emperor MAXIMINUS ordered to the Army near *Martigny* in *Savoy*, in order to sacrifice to false Gods: The Christian Soldiers, at first, took the Way of *Agaune* in *Swisserland*; the Emperor sent there an express Order, to make them come to the Sacrifice: they refused to obey him: he decimates them, and makes a tenth part of them pass through his Army, which executes them without any manner of Resistance.

Nothing is more Grand or Fine, than what MAURICE, the first *Tribune* of this Legion,

Legion, ſaid to his Fellow-Soldiers, (*a*) 'Why ſhould I be afraid, my dear 'Companions, that any of you, under 'pretence of defending his Perſon, 'ſhould put himſelf in a Poſture of re'ſiſting a Death ſo happy? I was up'on the Point of hindering you there'from; but it was our great Maſter 'JESUS CHRIST, who commanded 'St. PETER, from his own Mouth, to 'put up the Sword which he had in 'his Hand: Which teaches us, that 'the Virtue of Self-Denial and Chri'ſtian Confidence, is more powerful 'than Armies; and that none ſhould 'oppoſe ſuch deadly Enterpriſes.

EXUPERUS, an Enſign of the ſame Legion, made very near the ſame Diſcourſe to the Soldiers: 'You behold 'me, (my dear and brave Compani'ons) carry the Standard of earthly 'Troops; but it is not to theſe ſort of 'Arms, which I would have recourſe 'to; it is not to this kind of War, 'which I would animate your Cou'rage and Virtue; you ought to make 'choice

(*b*) *St.* EUCHER, *Biſhop of* Lyons.

'choice of another manner of Combat,
'for you cannot go with these Swords
'to the Kingdom of Heaven.

Such were the Sentiments of all the great Men under the old and new Law; such was the Doctrine of the Prophets and Apostles; such, in fine, was the Conduct of all Christian Heroes in the first Ages: For Seven Hundred Years after JESUS CHRIST, we cannot find one single Example of Rebellion against Emperors or Kings, under any Pretence of Religion whatsoever.

There is therefore a perfect Conformity between those Lights which the Sacred Scriptures give us, and the Ideas which we have advanced concerning Government, in this ESSAY.

23 DE 62

FINIS.

BOOKS Printed for, and Sold by RANDAL MINSHULL, *in* Ship-Yard, *near* Temple-Bar.

THE Life of our Bleſſed Saviour Jeſus Chriſt; together with the Lives and Acts of the Holy Apoſtles: As alſo of St. *Paul*, St. *Mark*, St. *Luke*, and St. *Barnabas*; methodically and plainly related, according to the Holy Scriptures, and Writings of the Primitive Fathers. Adorned with Copper Plates, and a Map of the Apoſtles Travels. In 8*vo*. Price 6*s*.

Inſtructions for Youth, Gentlemen and Noblemen (being Original Tracts) by Sr *Walter Raleigh*, Lord Treaſurer *Burleigh*, Cardinal *Sermonetta*, and Mr. *Walſingham*. In 12*mo*. Price 2*s*. 6*d*.

The Hiſtory of the *Iriſh* Rebellion, traced from many precedent Acts, to the grand Eruption, *October* 23, 1641. By *Edm. Borlaſe*, M. D. In which Book are added, the large Eradications of the Licencer of the Preſs (at that Time) Sir *Roger L'Eſtrange*, in their proper Places, under the Authors own Hand; with an Original Letter of the ſaid *L'Eſtrange* to the Author, ſetting forth his pretended Opinion of the Work, and Vindication of the Royal Family from that Horrid Imputation: with ſome Original Papers and Letters relating to the Maſſacres committed by the *Papiſts* on the *Iriſh Proteſtants*; and ſeveral other Remarkables in Manuſcript. In *Folio*.